

**Livestock Watering Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott H. Chew**

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**LONG TITLE****General Description:**

This bill addresses livestock watering.

**Highlighted Provisions:**

This bill:

- defines terms;
- establishes the requirements to apply for a certificate recognizing certain livestock watering uses;
- directs the state engineer's actions with regard to a certificate for livestock watering use;
- addresses the effect of a certificate for a livestock watering use;
- provides for rulemaking; and
- makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-2-1**, as last amended by Laws of Utah 2024, Chapters 37, 233 and 381

ENACTS:

**73-3-8.5**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **73-2-1** is amended to read:

**73-2-1 . State engineer -- Term -- Powers and duties -- Qualification for duties.**

(1) There shall be a state engineer.

(2) The state engineer shall:

(a) be appointed by the governor with the advice and consent of the Senate;

(b) hold office for the term of four years and until a successor is appointed; and

- 32 (c) have five years experience as a practical engineer or the theoretical knowledge,  
33 practical experience, and skill necessary for the position.
- 34 (3)(a) The state engineer shall be responsible for the general administrative supervision  
35 of the waters of the state and the measurement, appropriation, apportionment, and  
36 distribution of those waters.
- 37 (b) The state engineer may secure the equitable apportionment and distribution of the  
38 water according to the respective rights of appropriators.
- 39 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah  
40 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
41 regarding:
- 42 (a) reports of water right conveyances;  
43 (b) the construction of water wells and the licensing of water well drillers;  
44 (c) dam construction and safety;  
45 (d) the alteration of natural streams;  
46 (e) geothermal resource conservation;  
47 (f) enforcement orders and the imposition of fines and penalties;  
48 (g) the duty of water; and  
49 (h) standards for written plans of a public water supplier that may be presented as  
50 evidence of reasonable future water requirements under Subsection 73-1-4(2)(f).
- 51 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah  
52 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
53 governing:
- 54 (a) water distribution systems and water commissioners;  
55 (b) water measurement, telemetry, and reporting;  
56 (c) groundwater recharge and recovery;  
57 (d) wastewater reuse;  
58 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to  
59 surface or underground water that is not represented by a certificate of appropriation;  
60 (f) the form and content of a proof submitted to the state engineer under Section 73-3-16;  
61 (g) the determination of water rights;  
62 (h) the form and content of applications and related documents, maps, and reports;  
63 (i) the administration of saved water, as defined in Section 73-3-3, including:  
64 (i) quantifying saved water;  
65 (ii) reporting related to saved water;

- 66 (iii) verifying saved water;
- 67 (iv) segregating saved water; and
- 68 (v) the subsequent placement to beneficial use of saved water;[~~or~~]
- 69 (j) water distribution accounting[~~ing~~] ; or
- 70 (k) livestock watering use certificates issued under Section 73-3-8.5.
- 71 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 72 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
- 73 water without first seeking redress through the administrative process;
- 74 (b) prevent theft, waste, loss, or pollution of surface and underground waters;
- 75 (c) enable the state engineer to carry out the duties of the state engineer's office; and
- 76 (d) enforce administrative orders and collect fines and penalties.
- 77 (7) The state engineer may:
- 78 (a) upon request from the board of trustees of an irrigation district under Title 17B,
- 79 Chapter 2a, Part 5, Irrigation District Act, or another special district under Title 17B,
- 80 Limited Purpose Local Government Entities - Special Districts, or a special service
- 81 district under Title 17D, Chapter 1, Special Service District Act, that operates an
- 82 irrigation water system, cause a water survey to be made of the lands proposed to be
- 83 annexed to the district in order to determine and allot the maximum amount of water
- 84 that could be beneficially used on the land, with a separate survey and allotment
- 85 being made for each 40-acre or smaller tract in separate ownership; and
- 86 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
- 87 district board a return of the survey and report of the allotment.
- 88 (8)(a) The state engineer may establish water distribution systems and define the water
- 89 distribution systems' boundaries.
- 90 (b) The water distribution systems shall be formed in a manner that:
- 91 (i) secures the best protection to the water claimants; and
- 92 (ii) is the most economical for the state to supervise.
- 93 (9) The state engineer may conduct studies of current and novel uses of water in the state.
- 94 (10) Notwithstanding Subsection (4)(b), the state engineer may not on the basis of the depth
- 95 of a water production well exempt the water production well from regulation under this
- 96 title or rules made under this title related to the:
- 97 (a) drilling, constructing, deepening, repairing, renovating, cleaning, developing, testing,
- 98 disinfecting, or abandonment of a water production well; or
- 99 (b) installation or repair of a pump for a water production well.

100 Section 2. Section **73-3-8.5** is enacted to read:

101 **73-3-8.5 . Private livestock watering certificate.**

102 (1) As used in this section:

103 (a) "Certificate" means a certificate recognizing a livestock watering use issued under  
104 this section.

105 (b) "Homestead requirement" means a requirement:

106 (i) related to obtaining ownership of land from the federal government before 1976  
107 for the purpose of establishing a homestead; and

108 (ii) imposed by congressional action in order to obtain title to the land, such as  
109 improving the land for purposes of livestock watering.

110 (c) "Livestock" means a domestic animal raised or kept for profit or personal use.

111 (d) "Livestock watering use" means use of less than 20 acre-feet for:

112 (i) livestock to consume water:

113 (A) directly from precipitation occurring on private land; or

114 (B) from an impoundment located on private land into which the water is  
115 collected; and

116 (ii) associated uses of water related to the raising and care of livestock on private land.

117 (e) "Private livestock watering application" means an application submitted to the state  
118 engineer under this section to seek a certificate for livestock watering.

119 (2) To obtain a livestock watering use certificate, a person shall submit a private livestock  
120 watering application that consists of:

121 (a) identifying information for the person asserting use of the livestock watering use;

122 (b) the location of the livestock watering use on private land;

123 (c) the quantity of water in acre-feet that is used for livestock watering;

124 (d) the dimensions, grade, shape, and nature of the water source or impoundment  
125 described in Subsection (1)(d);

126 (e) subject to Subsection (4), one or more affidavits that establish that the livestock  
127 watering use location:

128 (i) was created as part of homestead requirements applicable to the private land at  
129 issue;

130 (ii) has been used, or been available for use, as a livestock watering use for the  
131 majority of the years since 1976; and

132 (iii) is currently used for livestock watering; and

133 (f) any additional information the state engineer requires by rule made under Subsection

- 134           (6).
- 135   (3)(a) The state engineer shall issue a livestock watering use certificate if the person  
136       submits a private livestock watering application that the state engineer determines:  
137        (i) meets the requirements of Subsection (2); and  
138        (ii) is submitted in good faith and not for purposes of speculation or monopoly.  
139   (b) If under this Subsection (3) the state engineer issues a certificate for livestock  
140       watering use, the state engineer shall include the location of the livestock watering  
141       use on the state engineer's records in the same manner as the state engineer records a  
142       water right.
- 143   (4)(a) A person providing an affidavit under this section shall attest to the truthfulness of  
144       the information contained in the affidavit.  
145    (b) The attestation shall indicate that the person believes that all information provided is  
146       true and correct to the best of the person's knowledge and that knowingly providing  
147       false or misleading information is a violation of Section 76-8-504 and may result in  
148       prosecution.
- 149   (5) Notwithstanding the other provisions of this title:  
150       (a) a person who obtains a livestock watering use certificate may continue the livestock  
151       watering use without applying for a water right if:  
152        (i) the livestock watering use remains consistent with the livestock watering use  
153        described in Subsection (2)(e); and  
154        (ii) a change described in Subsection (5)(b) has not occurred;  
155       (b) a change in any of the following requires the filing of an application for a water right:  
156        (i) nature of use; or  
157        (ii) the capacity in acre-feet beyond 20 acre-feet; and  
158       (c) a private livestock watering application submitted under this section is not subject to  
159       protest if the person submitting a private livestock watering application establishes  
160       that the livestock watering use was part of the applicable homestead requirements.
- 161   (6) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah  
162       Administrative Rulemaking Act, addressing:  
163       (a) the form of a private livestock watering application;  
164       (b) what constitutes identifying information for a person submitting a private livestock  
165       watering application;  
166       (c) what information is to be submitted under Subsection (2)(f); and  
167       (d) the form of the attestation required under Subsection (4).

168 Section 3. **Effective Date.**

169 This bill takes effect on May 7, 2025.