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**Livestock Watering Amendments**  
2026 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Scott H. Chew**  
Senate Sponsor: Scott D. Sandall

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**LONG TITLE**

**General Description:**

This bill addresses water used for livestock watering.

**Highlighted Provisions:**

This bill:

- provides for sub-basin livestock watering claims.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**73-5-18**, Utah Code Annotated 1953

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

Section 1. Section **73-5-18** is enacted to read:

**73-5-18 . Sub-basin livestock watering claims.**

(1) As used in this section:

- (a) "Large pond" means a pond for livestock watering that is larger than a small pond.
- (b) "Livestock" means a domestic animal raised or kept for profit or personal use.
- (c) "Small pond" means a pond for livestock watering that has a volume equal to or less than two acre feet.
- (d) "Sub-basin livestock watering claim" means a water right recognized to be used to water livestock from existing surface water sources in a geographically defined sub-drainage boundary approved by the state engineer.
- (e) "Water right holder" means a person who holds the right to use water:

- 29            (i)(A) evidenced by a means identified in Section 73-1-10; or  
30            (B) under an approved application to appropriate or for a change of use of water;  
31            (ii) for livestock to consume:  
32            (A) directly from the water source; or  
33            (B) from an impoundment into which the water is diverted; and  
34            (iii) including the associated uses of the water related to the raising and care of  
35            livestock.
- 36            (2)(a) A person may submit a sub-basin livestock watering claim by filing:  
37            (i) a diligence claim under Section 73-5-13;  
38            (ii) a corrected diligence claim under Section 73-5-13;  
39            (iii) a change application under Sections 73-3-3 and 73-3-8; or  
40            (iv) a statement of claim under Section 73-4-5.
- 41            (b) In addition to being subject to the requirements related to a claim or change  
42            application described in Subsection (2)(a), a person filing a sub-basin livestock  
43            watering claim shall:  
44            (i) identify the boundary of the sub-basin that:  
45            (A) consists of a sub-drainage area; and  
46            (B) is limited in size so as to not impair an existing water right;  
47            (ii) file a map depicting the sub-basin described in Subsection (2)(b)(i); and  
48            (iii) obtain the state engineer's approval of the boundary identified under Subsection  
49            (2)(b)(i).
- 50            (c) Requirements related to a claim or change application described in Subsection (2)(a)  
51            may include:  
52            (i) advertising under Section 73-3-6;  
53            (ii) filing of protests under Section 73-3-7;  
54            (iii) proof of beneficial use;  
55            (iv) requirements related to nonuse and forfeiture under 73-1-4; and  
56            (v) other requirements imposed by statute or rule.
- 57            (3)(a) A person may base a sub-basin livestock watering claim only:  
58            (i) for private land owned by the person or public land for which the person has a  
59            grazing permit; and  
60            (ii) on historically documented livestock watering rights when the water use is  
61            initiated before and continues consistently since the enactment of the state water  
62            law governing the use.

- 63           **(b)** The state engineer may not authorize a sub-basin livestock watering claim without  
64           the written consent of the beneficial user.
- 65           **(c)** A person may not claim a proposed beneficial use level under this Subsection (3) that  
66           exceeds the historical use by the water right holder within the sub-basin livestock  
67           watering claim. A sub-basin livestock watering claim may not increase the water  
68           right holder's beneficial use.
- 69           **(d)** A water right holder is responsible to limit the depletion of water, through livestock  
70           watering or pond evaporation, to the depletion limit established in the sub-basin  
71           livestock watering claim.
- 72           **(4)** A water right holder may not move water from one sub-basin to another sub-basin if  
73           moving the water would impair another person's water right.
- 74           **(5)** Except for a well or large pond:
- 75           **(a)** a sub-basin livestock watering claim includes the use of water from any surface  
76           water source within the sub-drainage area as a point of diversion for the water right;  
77           and
- 78           **(b)** a water right holder may, but is not required to, specifically identify individual points  
79           of diversion within the sub-drainage area.
- 80           **(6)(a)** Within a sub-basin livestock watering claim area, a water right holder:
- 81           **(i)** may construct a small pond without filing a change application; and  
82           **(ii)** may construct a large pond only after a change application is approved.
- 83           **(b)** A large pond shall meet applicable dam safety requirements for obtaining a dam  
84           permit.
- 85           **(c)** A person may not construct a pond, regardless of size, in an area not covered by a  
86           sub-basin livestock watering claim without receiving approval of a change  
87           application.

88           Section 2. **Effective Date.**

89           This bill takes effect on May 6, 2026.