

1 **Livestock Watering Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor:

LONG TITLE**Committee Note:**

The Legislative Water Development Commission recommended this bill.

Legislative Vote: 8 voting for 0 voting against 6 absent

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

*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:**

- "Large pond" means a pond for livestock watering that is larger than a small pond.
- "Livestock" means a domestic animal raised or kept for profit or personal use.
- "Small pond" means a pond for livestock watering that has a surface area equal to or less than 900 square feet and a depth equal to or less than five feet.
- "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.

31 (e) "Water right holder" means a person who holds the right to use water:

32 (i)(A) evidenced by a means identified in Section 73-1-10; or

33 (B) under an approved application to appropriate or for a change of use of water;

34 (ii) for livestock to consume:

35 (A) directly from the water source; or

36 (B) from an impoundment into which the water is diverted; and

37 (iii) including the associated uses of the water related to the raising and care of

38 livestock.

39 (2)(a) A person may submit a sub-basin livestock watering claim by filing:

40 (i) a diligence claim under Section 73-5-13;

41 (ii) a corrected diligence claim under Section 73-5-13;

42 (iii) a change application under Sections 73-3-3 and 73-3-8; or

43 (iv) a statement of claim under Section 73-4-5.

44 (b) In addition to being subject to the requirements related to a claim or change

45 application described in Subsection (2)(a), a person filing a sub-basin livestock

46 watering claim shall:

47 (i) identify the boundary of the sub-basin that:

48 (A) consists of a sub-drainage area; and

49 (B) is limited in size so as to not impair an existing water right;

50 (ii) file a map depicting the sub-basin described in Subsection (2)(b)(i); and

51 (iii) obtain the state engineer's approval of the boundary identified under Subsection

52 (2)(b)(i).

53 (c) Requirements related to a claim or change application described in Subsection (2)(a)

54 may include:

55 (i) advertising under Section 73-3-6;

56 (ii) filings of protests under Section 73-3-7;

57 (iii) proof of beneficial use;

58 (iv) requirements related to nonuse and forfeiture under 73-1-4; and

59 (v) other requirements imposed by statute or rule.

60 (3)(a) A person may base a sub-basin livestock watering claim only:

61 (i) for private land owned by the person or public land for which the person has a

62 grazing permit; and

63 (ii) on historically documented livestock watering rights when the water use is

64 initiated before and continues consistently since the enactment of the state water

law governing the use.

- (b) The state engineer may not authorize a sub-basin livestock watering claim without the written consent of the beneficial user.
- (c) A person may not claim a proposed beneficial use level under this Subsection (3) that exceeds the historical use by the water right holder within the sub-basin livestock watering claim. A sub-basin livestock watering claim may not increase the water right holder's beneficial use.
- (d) A water right holder is responsible to limit the depletion of water, through livestock watering or pond evaporation, to the depletion limit established in the sub-basin livestock watering claim.

A water right holder may not move water from one sub-basin to another sub-basin if moving the water would impair another person's water right.

Except for a well or large pond:

- (a) a sub-basin livestock watering claim includes the use of water from any surface water source within the sub-drainage area as a point of diversion for the water right; and
- (b) a water right holder may, but is not required to, specifically identify individual points of diversion within the sub-drainage area.

- (a) Within a sub-basin livestock watering claim area, a water right holder:
 - (i) may construct a small pond without filing a change application; and
 - (ii) may construct a large pond only after a change application is approved.
- (b) A large pond shall meet applicable dam safety requirements for obtaining a dam permit.
- (c) A person may not construct a pond, regardless of size, in an area not covered by a sub-basin livestock watering claim without receiving approval of a change application.

Section 2. Effective Date.

This bill takes effect on May 6, 2026.