

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:

- (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 surface area equal to or less than 900 square feet and a depth equal to or less than five 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:
- (i)(A) evidenced by a means identified in Section 73-1-10; or
 - (B) under an approved application to appropriate or for a change of use of water;
 - (ii) for livestock to consume:
 - (A) directly from the water source; or
 - (B) from an impoundment into which the water is diverted; and
 - (iii) including the associated uses of the water related to the raising and care of livestock.

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

- (i) a diligence claim under Section 73-5-13;
- (ii) a corrected diligence claim under Section 73-5-13;
- (iii) a change application under Sections 73-3-3 and 73-3-8; or
- (iv) a statement of claim under Section 73-4-5.

(b) In addition to being subject to the requirements related to a claim or change application described in Subsection (2)(a), a person filing a sub-basin livestock watering claim shall:

- (i) identify the boundary of the sub-basin that:
 - (A) consists of a sub-drainage area; and
 - (B) is limited in size so as to not impair an existing water right;
- (ii) file a map depicting the sub-basin described in Subsection (2)(b)(i); and
- (iii) obtain the state engineer's approval of the boundary identified under Subsection (2)(b)(i).

(c) Requirements related to a claim or change application described in Subsection (2)(a) may include:

- (i) advertising under Section 73-3-6;
- (ii) filing of protests under Section 73-3-7;
- (iii) proof of beneficial use;
- (iv) requirements related to nonuse and forfeiture under 73-1-4; and
- (v) other requirements imposed by statute or rule.

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

- (i) for private land owned by the person or public land for which the person has a grazing permit; and
- (ii) on historically documented livestock watering rights when the water use is initiated before and continues consistently since the enactment of the state water

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

91 **Section 2. Effective Date.**

92 This bill takes effect on May 6, 2026.