

**Chapter 13b**  
**Easement for Historical Livestock Trail Act**

**Part 1**  
**General Provisions**

**57-13b-101 Title.**

This chapter is known as the "Easement for Historical Livestock Trail Act."

Enacted by Chapter 118, 2005 General Session

**57-13b-102 Definition.**

As used in this chapter, "historical livestock trail" means property over which livestock has historically traveled to or from a grazing area or market.

Enacted by Chapter 118, 2005 General Session

**Part 2**  
**Prescriptive Easement**

**57-13b-201 Prescriptive easement for livestock trail.**

- (1) A prescriptive easement may be established if:
  - (a) a property owner uses an historical livestock trail that crosses another person's property for a period of 20 years; and
  - (b) the use of the other owner's property as an historical livestock trail for the 20-year period described in Subsection (1)(a) is:
    - (i) continuous;
    - (ii) open and notorious; and
    - (iii) adverse.
- (2) If a property owner establishes that a use is continuous and open and notorious under Subsections (1)(b)(i) and (ii), there is a rebuttable presumption that the use is adverse.
- (3) Notwithstanding Subsections (1) and (2), a prescriptive easement under this chapter may only be established on private lands.

Enacted by Chapter 118, 2005 General Session