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**Livestock Watering Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott H. Chew**

Senate Sponsor:

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**LONG TITLE**

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~~h~~→ [Committee Note:

- 5

~~The Legislative Water Development Commission recommended this bill.~~

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~~Legislative Vote: 8 voting for 0 voting against 6 absent } ←h~~

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**General Description:**

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This bill addresses water used for livestock watering.

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**Highlighted Provisions:**

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This bill:

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▸ provides for sub-basin livestock watering claims.

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**Money Appropriated in this Bill:**

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None

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**Other Special Clauses:**

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None

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**Utah Code Sections Affected:**

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ENACTS:

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

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

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

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

23

(1) As used in this section:

24

(a) "Large pond" means a pond for livestock watering that is larger than a small pond.

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

26

(c) "Small pond" means a pond for livestock watering that has a h→ [surface area equal

26a

to or] ←h

27

h→ [less than 900 square feet and a depth equal to or less than five feet]

27a

volume equal to or less than two acre feet ←h .

28

(d) "Sub-basin livestock watering claim" means a water right recognized to be used to

29 water livestock from existing surface water sources in a geographically defined  
30 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) filing 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  
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.