



Water Rights in Utah

Chad R. Reid, Agricultural Agent – Iron County

Keith H. Christensen, Engineering Technician – Division of Water Rights, Cedar City

Robert W. Hill, Extension Specialist – Irrigation

If you are connected to a municipal system, your water is probably categorized as “culinary or municipal water” and is used for everything from drinking and bathing to washing the car to watering tomatoes. However the Utah Division of Water Rights takes a more itemized approach to water use when applied outside of a municipal system.

Water rights in Utah, as in other Western states are founded on the doctrine of “prior appropriation” and are administered by the State Engineer. All waters are public property in Utah (UT Water Rights, 2005). The State Engineer’s office also directs the adjudication or re-adjudication of water rights, along with licensing of well drillers, dam safety, stream alteration, and water rights enforcement.

Water Rights

A **water right** is a right to the use of water based upon 1) quantity, 2) source, 3) priority date, 4) nature of use, 5) point of diversion and 6) physically putting water to beneficial use (<http://www.waterrights.utah.gov>).

The “right” to use water is obtained through an application and permit issue process through the State Engineers office, **if** the basin in which your property is located is open to appropriation. In brief, the steps are (UT Water Rights, 2005):

- Apply to appropriate water with the State Engineer.
- Application is advertised, protests and rebuttals are heard if any are filed.

- State Engineer evaluates application, protests, and other pertinent information and renders a decision on the application based upon principles established in State statute.
- If approved the applicant begins developing water. When fully developed the applicant files proof with the state engineer stating the details of development.
- The State Engineer after reviewing proof issues a Certificate of Appropriation.

Most of the state is closed to new appropriations of water. In closed areas, new development must be accomplished by securing an existing right and filing for a change application to accommodate the proposed development.

A water right can be transferred, or sold, similar to any other property. However, if the point of diversion and/or place of use would be changed as a result, a change application must be filed with, and approved by, the Utah State Engineer’s office. If a transfer involves water shares held in a mutual irrigation company, then the board of directors of the company must approve the transfer. For specific water rights related questions the State Engineer’s office should be contacted directly (see <http://www.waterrights.utah.gov>).

Beneficial Use

The three most basic beneficial uses of water are domestic, stockwatering and irrigation – each with a specific annual requirement or “Duty.” Other beneficial uses include municipal and industrial.

Domestic use is any use of water inside the home, and requires 0.45 acre foot of water right.

Stockwatering is quantified as 0.028 AF (acre feet) per ELU (equivalent livestock unit). An ELU is one horse and foal or cow and calf, or equivalent number of sheep, goats, pigs, chickens etc. The beneficial use period for these uses is generally year round, but can vary with specific needs.

Irrigation is the act of applying water to any plant to obtain optimal growth and maintenance of that plant. Lawns, gardens, shrubs, pastures and non-native trees and plants are all considered as irrigation, even though not all are harvested as crops. The duty for irrigation ranges from 6.0 AF per irrigated acre in parts of the Virgin River drainage to 3.0 AF per irrigated acre in high mountain areas. The average diversion duty is 4.0 AF per acre. This “duty” is based on the highest water consuming crop, which is alfalfa, during the growing season of the region and surface irrigation practices.

Canal or Irrigation Company Water Rights

The right to use water from a surface source, which is delivered through a canal, ditch, or pipeline by an irrigation company, is held by the company. Some irrigation companies also own water rights in ground water wells in order to augment surface water supplies in times of shortage. The individual “shareholders” in an irrigation company do not own the water right in a legal sense. This right is allocated to the shareholders proportional to the number of shares owned by the individual shareholder. The value or quantity of water allocated to a “share” of water is not constant throughout the state and varies considerably from one irrigation company to another. In some canal companies a share of water is allocated per acre, whereas in others, three or four shares may be needed to provide sufficient irrigation water for one acre of alfalfa.

Water is often delivered on the “turn” in most of Utah’s canal systems. This means that each shareholder is on a schedule of when they can take the water in rotation along the ditch. The duration of the “turn” is proportional to the number of shares owned. Thus, **time** of use is measured, not quantity of water. It is essential to determine the appropriate number of shares needed to irrigate your property and to understand when the water is available.

Important Considerations

The water rights process is a very complex part of any land development scenario and should be given early consideration when the planning process is started since the approval/rejection period for most change applications takes three to six months – a substantial wait if you’re out of water.

Before a parcel of property is purchased, several issues should be considered.

1. Are the water rights currently perfected (have Certificate of Appropriation or Certificate of Proof) on the property? If so, do you want to leave them as is, or will a change application be required to make them fit your desired uses?
2. If there is no water right appurtenant to the property, are there water rights being conveyed along with the property? Is the amount being conveyed enough to fit your desired uses? Is the water right being purchased in good standing? Has the right been exercised, or beneficially used, during the last five years?
3. In some cases a change in use will result in a reduction in the diversion allowance of the water right.

It is highly recommend that prior to purchasing a new property or water right you contact the Water Rights office in your area to discuss these and other issues to make sure you understand all the ramifications of your purchase.

Utah Division of Water Rights

Contact Information:

The Division of Water Rights Web site:

<http://waterrights.utah.gov/contact.asp> contains contact information (some of which is repeated below).

Questions about water right processing or other general inquiries should be directed to waterrights@utah.gov. If making a phone call to the main office, ask to speak with a water rights specialist. Be prepared with the location and legal description of your property. The questions will be redirected to appropriate staff to address your issue.

Utah has been subdivided into regions for water rights administration (see map on following page). Also shown on the map are the watershed boundaries. Regional offices are located in Cedar City (Southwestern), Logan (Northern), Price (Southeastern), Richfield (Sevier River/Southern), Salt Lake City (Weber River/Western).

State Of Utah

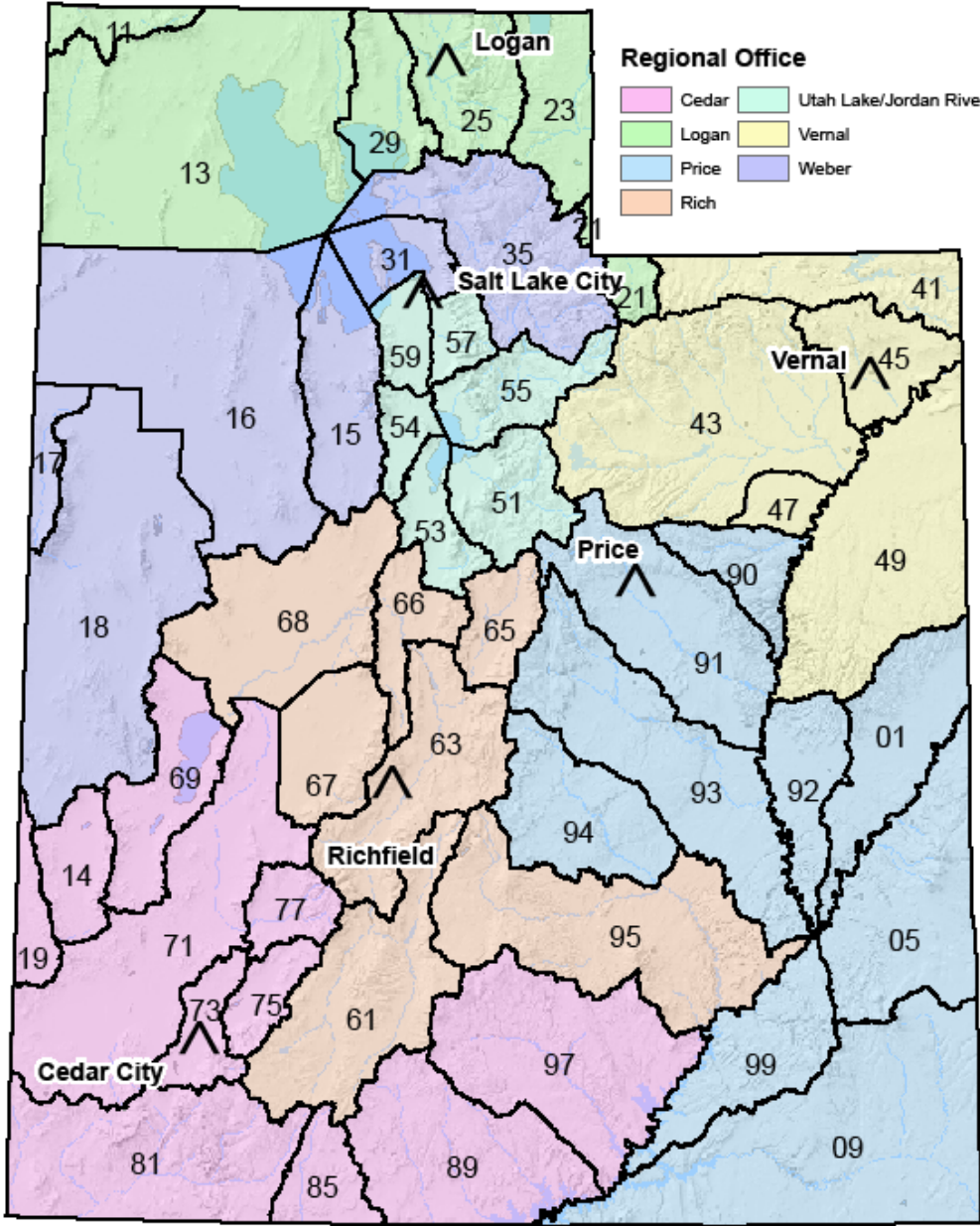


Figure 1. Utah water rights administration regions and watershed boundaries.

and Utah Lake/Jordan River), and Vernal (Eastern) in addition to the Salt Lake City main office Specific contact information for the Division's regional offices follows:

- **Northern Regional Office (Logan)**
Will Atkin, Regional Engineer
1780 North Research Parkway, Suite 104
North Logan, UT 84341
Phone: (435) 752-8755 Fax: (435) 752-0062
E-mail: willatkin@utah.gov
- **Weber River/Western Regional Office (SLC)**
Ross Hansen, Regional Engineer
1594 West North Temple, Suite 220
P.O. Box 146300
SLC, Utah 84114-6300
Phone: (801) 538-7240 Fax: (801) 538-7467
Email: rosshansen@utah.gov
- **Utah Lake/Jordan River Regional Office (SLC)**
John Mann, Regional Engineer
1594 West North Temple, Suite 220
P.O. Box 146300 SLC, Utah 84114-6300
Phone: (801) 538-7240 Fax: (801) 538-7467
Email: johnmann@utah.gov
- **Eastern Regional Office (Vernal)**
Bob Leake, Regional Engineer
State and County Building
152 East 100 North
Vernal, Utah 84078-2126
Phone: (435) 781-5327 Fax: (435) 781-8343
E-mail: bobleake@utah.gov
- **Southeastern Regional Office (Price)**
Marc Stilson, Regional Engineer
319 N. Carbonville Road
P.O. Box 718
Price, Utah 84501-0718
Phone: (435) 613-3750 Fax: (435) 613-3755
E-mail: marcstilson@utah.gov
- **Sevier River/Southern Regional Office (Richfield)**
Kirk Forbush, Regional Engineer
130 North Main Street
P.O. Box 664
Richfield, Utah 84701-0563
Phone: (435) 896-4429 Fax: (435) 893-8114
E-mail: kirkforbush@utah.gov
- **Southwestern Regional Office (Cedar City)**
Kurt Vest, Regional Engineer
585 North Main Street
P.O. Box 506
Cedar City, Utah 84721-0506
Phone: (435) 586-4231 Fax: (435) 586-2789
E-mail: kurtvest@utah.gov

References

Utah Water Rights. 2005. Water Rights Information. On the Web at:

<http://www.waterrights.utah.gov/wrinfo/default.asp>

WHERE CAN YOU GET HELP?

Utah State Engineers Offices

<http://waterrights.utah.gov/contact.asp>.

Utah State University - Extension Service

Utah Counties – Extension Office see:

<http://extension.usu.edu/htm/counties> for directory.

USU Extension, Biological and Irrigation Engineering

4105 Old Main Hill Logan, UT 84322-4105
robert.hill@usu.edu; Ph: (435) 797-2791

Robert W. Hill, Extension Irrigation Specialist,
Biological and Irrigation Engineering Department,
Utah State University, Logan, UT 84322-4105

Utah State University is committed to providing an environment free from harassment and other forms of illegal discrimination based on race, color, religion, sex, national origin, age (40 and older), disability, and veteran's status. USU's policy also prohibits discrimination on the basis of sexual orientation in employment and academic related practices and decisions.

Utah State University employees and students cannot, because of race, color, religion, sex, national origin, age, disability, or veteran's status, refuse to hire; discharge; promote; demote; terminate; discriminate in compensation; or discriminate regarding terms, privileges, or conditions of employment, against any person otherwise qualified. Employees and students also cannot discriminate in the classroom, residence halls, or in on/off campus, USU-sponsored events and activities.

This publication is issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Noelle E. Cockett, Vice President for Extension and Agriculture, Utah State University.