

WATER RIGHTS AMENDMENTS FACT SHEET

SEE DRAFT: <https://le.utah.gov/interim/2025/pdf/00004198.pdf>

The proposed Water Rights Amendments bill impacts every permit request for water moving forward in the State of Utah. From the Colorado River Basin to the Great Salt Lake Watershed, the legislation narrows decision-making for regulators by limiting safeguards for communities, raising new questions about the protections of rights, creating uncertainty for some senior rights holders, shifting the burden of proof from water rights applicants to the public, and removing avenues for citizens to challenge capricious government actions. Whether you have water rights or not, this legislation hamstring community protections for all who care about the waters of the State of Utah.

Changes to 73-3-1(5)(b) and 73-3-8(1)(a)(ii): The legislation raises new questions about how the Division of Water Rights considers beneficial uses of water. The proposal upends longstanding practice in appropriation by removing language addressing permit requests that “materially interfere” with the “more beneficial use” of water. This raises uncertainty about how State Engineers will consider new uses of water in each hydrographic region.

Changes 73-3-7(1 and 2): The proposed changes in this section of law limit who can protest applications for water and how. Current law allows any interested person to protest water rights applications without restrictions. The legislation narrows grounds for meaningfully protesting applications. In conjunction with other sections of the bill, this raises questions about how the public can participate if they do not maintain water rights.

Changes to 73-3-8(1)(b): The legislation nullifies key safeguards for recreation, stream flow, and the public welfare. Without this explicit provision in statute, there is more uncertainty about how communities can uplift these considerations when facing a new request for water permits.

Changes to 73-3-8(1)(a)(iii): The legislation narrows and limits the term “public welfare” as a key requirement when State Engineers consider new water permit requests or for changes in use. This is a drastic change to Utah water law. The public welfare would no longer be a safeguard communities can rely upon to demand accountability. While this proposal has environmental considerations, there are also implications for economic, health, and wellness factors. This section also puts in place new bureaucratic obstacles and unclear standards that invite other agencies to engage on water applications — a provision that will likely lead to new types of litigation.

Changes to 73-3-14: Right now, any aggrieved person can petition a district court to review a decision by the State Engineer. The proposal limits who can access the courts with new, vague terms in law.