



Water Rights

Application Process Q&A (Informal Proceedings)

How does the application process start?

It starts when someone files an application with the Division of Water Rights. The application describes how much water the applicant wants to use (quantity), where it comes from (source), where and how the water will be used (beneficial use).

Change applications must also include a description of the existing water right, its historical use, and the proposed changes.

Why is the application advertised?

Advertising gives the public notice. The Division publishes notice of the application once a week for two consecutive weeks in a newspaper of general circulation in the county where the water will be used. This lets anyone who might be affected learn about the application and provides an opportunity to file a protest.

Can someone object to an application?

Yes. Protests must be filed no later than 20 days after the advertising period ends. Anyone with genuine concerns about the application may file a protest.

What is the difference between a “Protest” and a “Letter of concern”?

Protest

A formal objection to a water right application. The filing fee is \$15 and is nonrefundable. Filing a protest makes you a party to the administrative review of the application. You will be notified of any administrative hearing and of the State Engineer’s decision. Your protest should explain your concerns and identify the legal requirements for approval that you believe the application does not satisfy, along with supporting facts. If you want a hearing, include that request in your protest.

Letter of concern

An informal comment. It shares information with the State Engineer, but does not make you a party to administrative review. There is no fee to submit a letter of concern. A letter of concern does not substitute for a timely filed protest or provide the procedural rights associated with party status.



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What happens when someone files a protest?

The State Engineer reviews the protest along with the application. A protest does not automatically result in denial of the application. It gives the State Engineer an opportunity to evaluate concerns and supporting information related to the application.

What is an administrative hearing?

It is a hearing conducted by the State Engineer or a hearing officer designated by the State Engineer to gather information about the respective application. The main purpose of a hearing is to allow parties to present evidence and clarify disputed facts in order to help the State Engineer evaluate the application.

Who makes the final decision?

The State Engineer decides whether to approve or reject the application. The decision is based on the facts and the requirements in Utah law. The State Engineer issues a written order explaining the decision and any conditions of approval. The order also provides information about applicable reconsideration and judicial review procedures.

What other rules are applicable to the administrative process?

The rules applicable to the Division of Water Rights' actions in informal proceedings may be found in Utah Administrative Rule R655-6.

How do I submit a protest or other documents?

- If you want to file a protest, follow the Division's protest filing instructions, including the applicable deadline and fee requirements.
- Other correspondence should be submitted to waterrights@utah.gov. Include the applicable water right or application number to ensure proper filing.