

Utah Division of Water Rights **Enforcement**



Objectives of Enforcement

- Assure the protection of Utah's water and the public welfare by **promoting compliance** and **detering noncompliance**, and;
- Assure that the State Engineer assesses and imposes administrative fines and penalties **lawfully, fairly, and consistently**;



History and Background

Prior to 2005:

- State Engineer had no direct enforcement authority
- Persistent violations were addressed by criminal complaints when allowed by statute and/or civil litigation
- Lacking civil litigation, violators suffered no penalties



The 2005 Statutes

Utah Code § 73-2-25: State Engineer enforcement powers

Utah Code § 73-2-26: Administrative penalties

Utah Code § 73-2-27: Criminal penalties

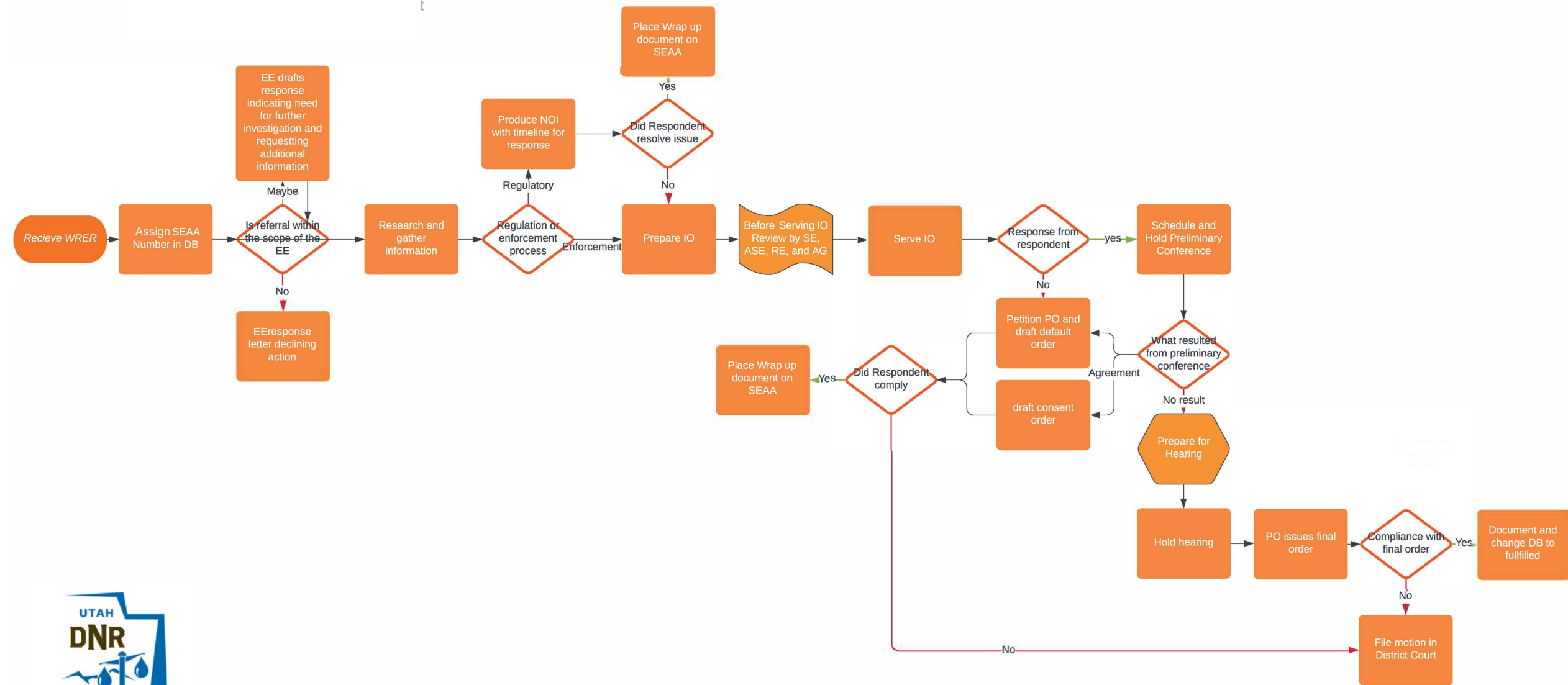
Utah Code § 73-2-28: Costs and fees in civil actions

The 2005 Administrative Rules

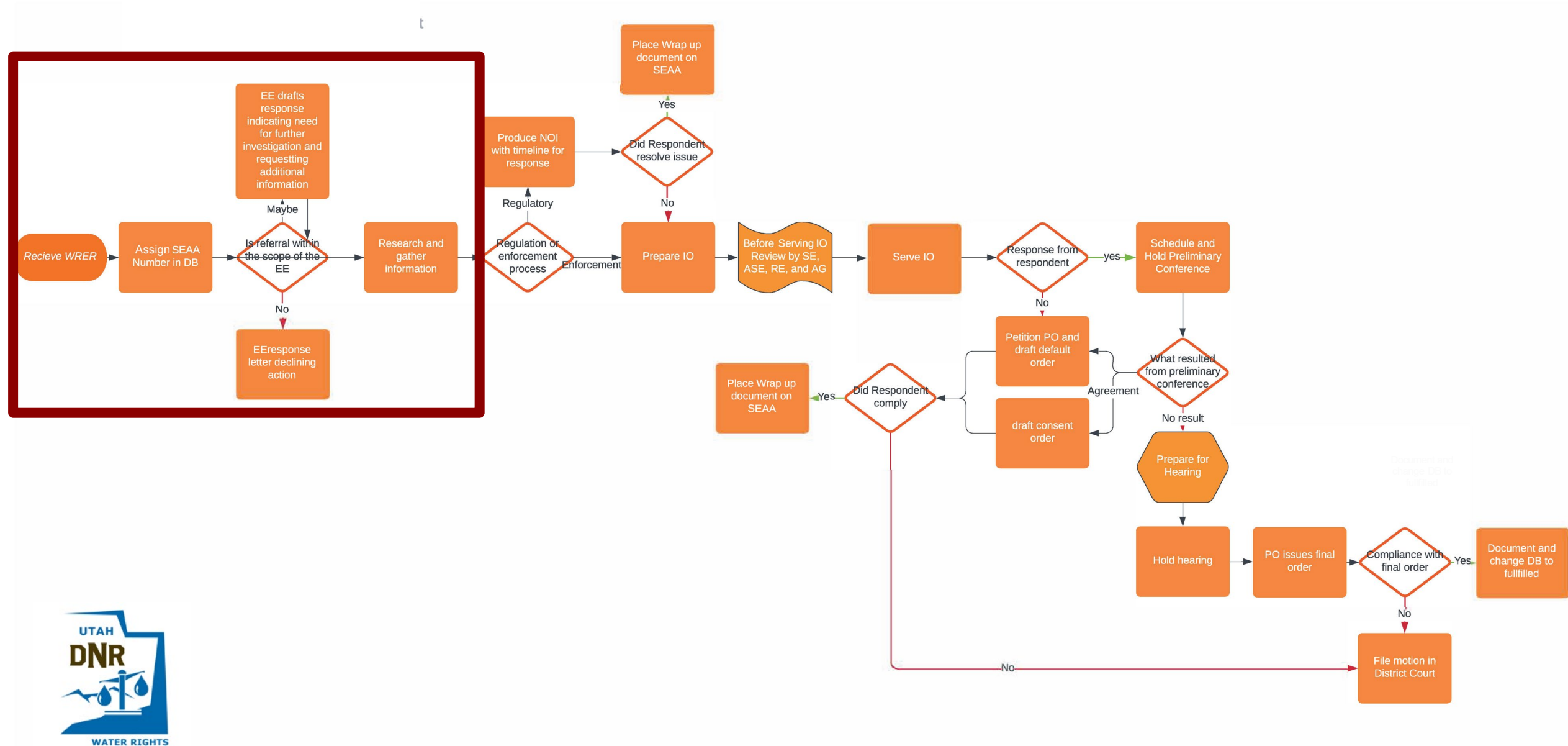
Rule R655-14: Administrative Procedures for Enforcement Proceedings
Before the Division of Water Rights



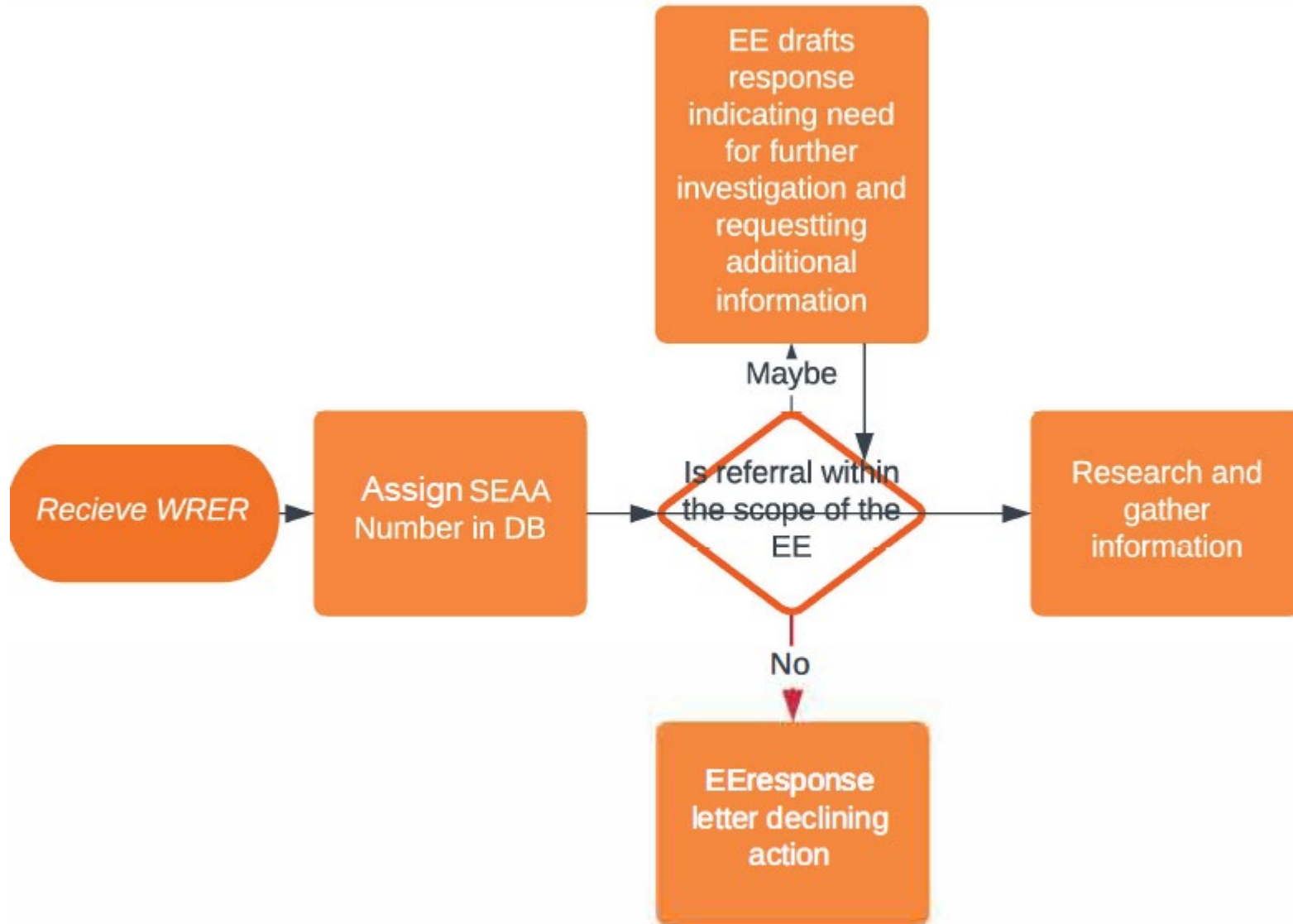
Enforcement Process



Enforcement Process



Water Right Enforcement Referral



Document and
change DB to
fulfilled

- Water Rights >
- Dam Safety >
- Stream Alteration >
- Canal Inventory >
- Distribution >
- Enforcement >**
- Adjudication >
- Proof
- Title Transfers
- Well Drilling >
- Water Use Reporting >

- Enforcement Home
- Regulation Database
- Information Brochure
- Enforcement Referral Form
- Regulation Statutes [↗](#)
- Enforcement Powerpoint Presentation

Division of Water Rights

Office of the State Engineer

 Give Feedback

A groundwater management plan for Parowan Valley has been [proposed for adoption](#).

About Us



The Utah Division of Water Rights (DWRi) is an agency of Utah State Government within the Department of Natural Resources that administers the measurement, appropriation, apportionment, and distribution of the State's valuable water resources.

[Learn More](#)



Division of Water Rights

Office of the State Engineer

Give Feedback

The Utah Division of Water Rights and Utah State University has completed a year-long analysis of the Great Salt Lake basin to identify stream gaging and diversion measurement infrastructure gaps. The [Measurement Infrastructure Gap Analysis in Utah's Great Salt Lake Basin](#) provides a comprehensive inventory and analysis of existing diversion and stream measurement infrastructure along 19 primary river systems within the GSL watershed, as well as a preliminary investigation of



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[Learn More](#)

utah.gov Services Agencies Search Utah.gov

Utah Division of Water Rights

DNR

WATER RIGHTS ENFORCEMENT REFERRAL

INSTRUCTIONS:

Complete this form by entering the requested information in the spaces provided and by checking the answer(s) which most clearly apply.

By providing your contact information, you consent for the Utah Division of Water Rights to correspond with you via email.

Yo

Your Attention, Please!

As you fill out this referral form, please be mindful that items #1 - #7, and any attachments, will become a public record. If you wish to remain anonymous, avoid including information that would identify you as the referrer.

Item #8 is your contact information, and is required, and will be considered a 'protected record', and not publicly available unless required by lawful process.

I have read and understand this instruction.

1. The alleged violator is an individual (Example: individual, LLC, etc.).

1.1. Name :

1.2. Address :

1.3. Phone :

1.4. Email Address :

2. If the alleged violator is other than an individual (Example: irrigation company, mutual water company, corporation, LLC, etc.), the contact person is :

2.1. Company Name :

2.2. Office/Title :

3. Did the alleged violation occur or continue to occur during the past 12 months?

3.1. ☐ Yes

3.2. ☐ No (If "No," the violation is not likely subject to enforcement action.)

4. The alleged violation arises from:

4.1. ☐ a person diverting, impounding or using water for which no water right has been established;

4.2. ☐ a person diverting, impounding or using water in violation of an existing water right (Example: water is being taken from a source or used in a manner; amount, time or place not authorized by the water rights.);

4.2.1. The alleged violator's water right/application number(s), if known, are:

4.3. ☐ Other statute or rule:

4.3.1. Specify the relevant statute or rule allegedly violated: ¹

5. When did the alleged violation first occur? Date:

6. Is the alleged violation continuing to the present date?

6.1. ☐ Yes

6.2. ☐ No. Ended on date:

7. Provide a narrative description of the alleged violation including any relevant details and pertinent information not

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Utah Division of Water Rights

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By providing your email address, you are giving your consent for the Utah Division of Water Rights to correspond with you via email.

Your email address will need to be verified before processing your referral.
You will receive an email message from waterrights@utah.gov with a link to verify your email address.

Paper referral forms will no longer be accepted.

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¹ The following violations are not subject to an enforcement action under § 73-2-25, but are subject to criminal penalties under § 73-2-27. Any violation observed under these statutes may be referred to the Attorney General's Office or to the local law enforcement authorities.

1. Damaging or interfering with control or measuring device(s) being used for distribution of water by the State Engineer or interfering with a person authorized by the State Engineer to distribute water (§ 73-1-14)
2. Obstructing a canal, ditch, pipeline, etc. or right-of-way for the operation and maintenance of same (§ 73-1-15);
3. Interfering with the lawful and official activities of an authorized employee of the Division of Water Rights (§ 73-2-20);

PRIVACY NOTICE

As a matter of administrative policy, the Division of Water Rights will protect your identity. Item #8 of this referral form will not be placed on the scanned documents of the Division's Internet website and will be classified as a "protected record" in accord with the Government Records and Management Act (GRAMA). UTAH CODE ANN. § 63G-2-305 (9). The information on this page will be released only if required by lawful process.

8. You must provide the following information before the Division of Water Rights will investigate this referral:

8.1. Name * :	<input type="text" value="Honest Abe"/>
8.2. Address * :	<input type="text" value="2500 Integrity Drive"/>
	<input type="text" value="Glass House, Utah"/>
	<input type="text"/>
8.3. Phone * :	<input type="text" value="435-592-2337"/>
8.4. Email Address * :	<input type="text" value="Honestabe@someemail.com"/>
Date:	<input type="text" value="2/21/2024"/>

Please upload additional documentation (if needed) in PDF format.
This will become public information. If you wish to remain anonymous, be mindful to avoid including information that would identify you as the referrer.

No file chosen

You may also send additional documentation by mail to the Salt Lake office (address at bottom of this page), or by email to waterrights@utah.gov. Additional documentation sent by mail or email must reference the order number that will be given after the referral is submitted.

☐ **By checking this box, I am providing my electronic signature to the included Water Right Enforcement Referral which is being filed electronically with the Utah Division of Water Rights.**



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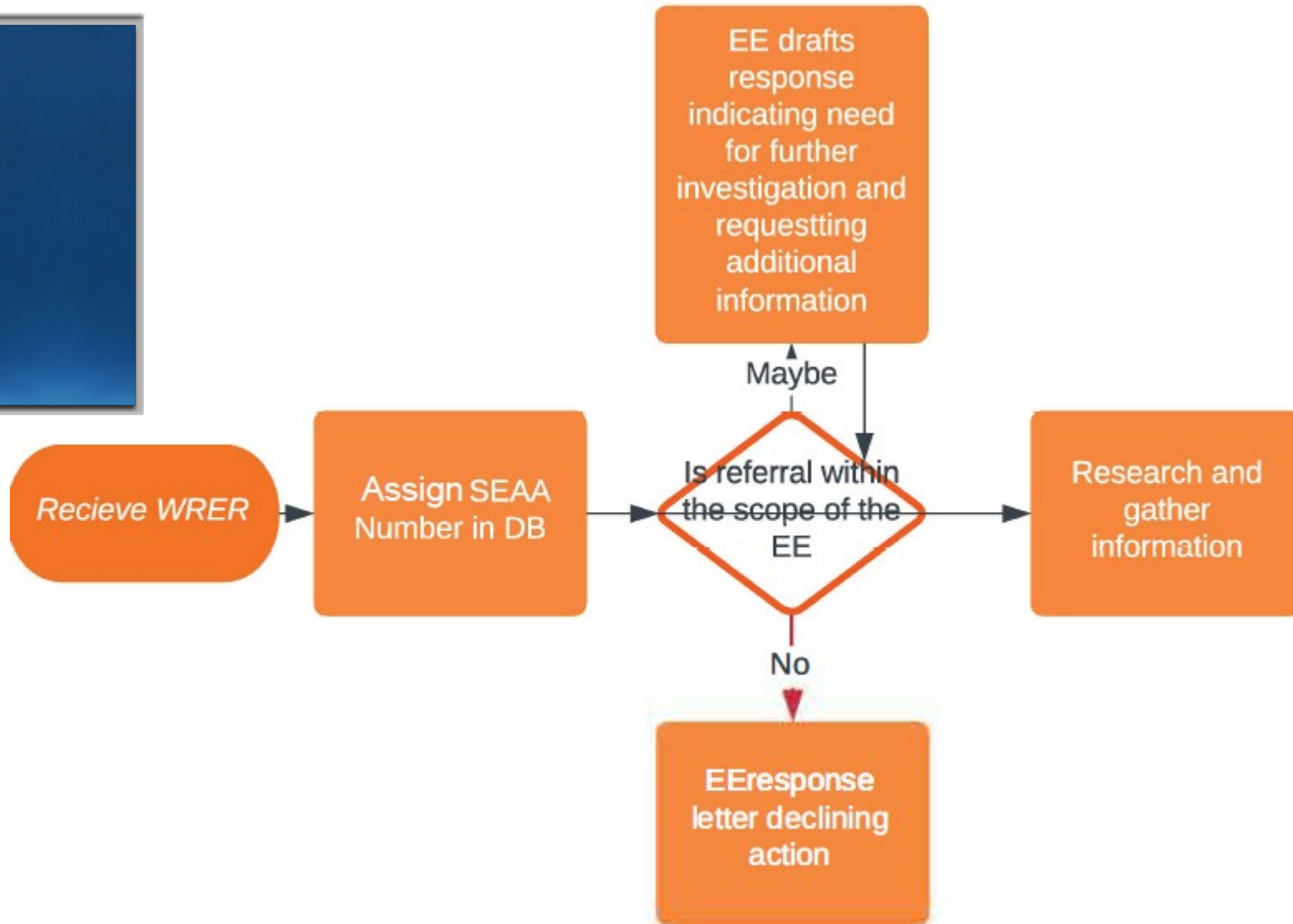
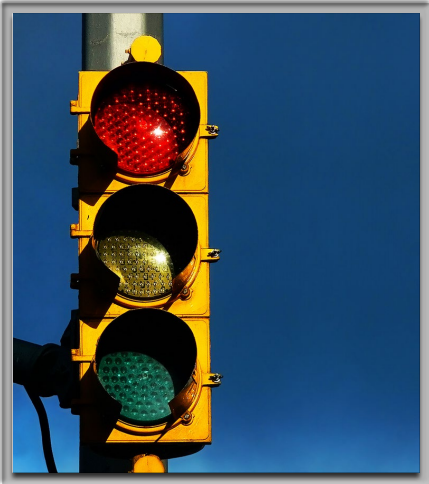
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Water Right Enforcement Referral



Document and
change DB to
fulfilled

When is an enforcement action authorized?

- Diverting, impounding, or using water without right or in violation of existing right
- Failure to construct controlling works or measuring device
- Failure to prevent waste, loss, pollution, or contamination of waters (e.g. well caps, valves, casings, etc.)
- Failure to comply with distribution, dam safety or natural stream channel alteration notices and orders
- Failure of a well driller to submit a report
- Well drilling without a license

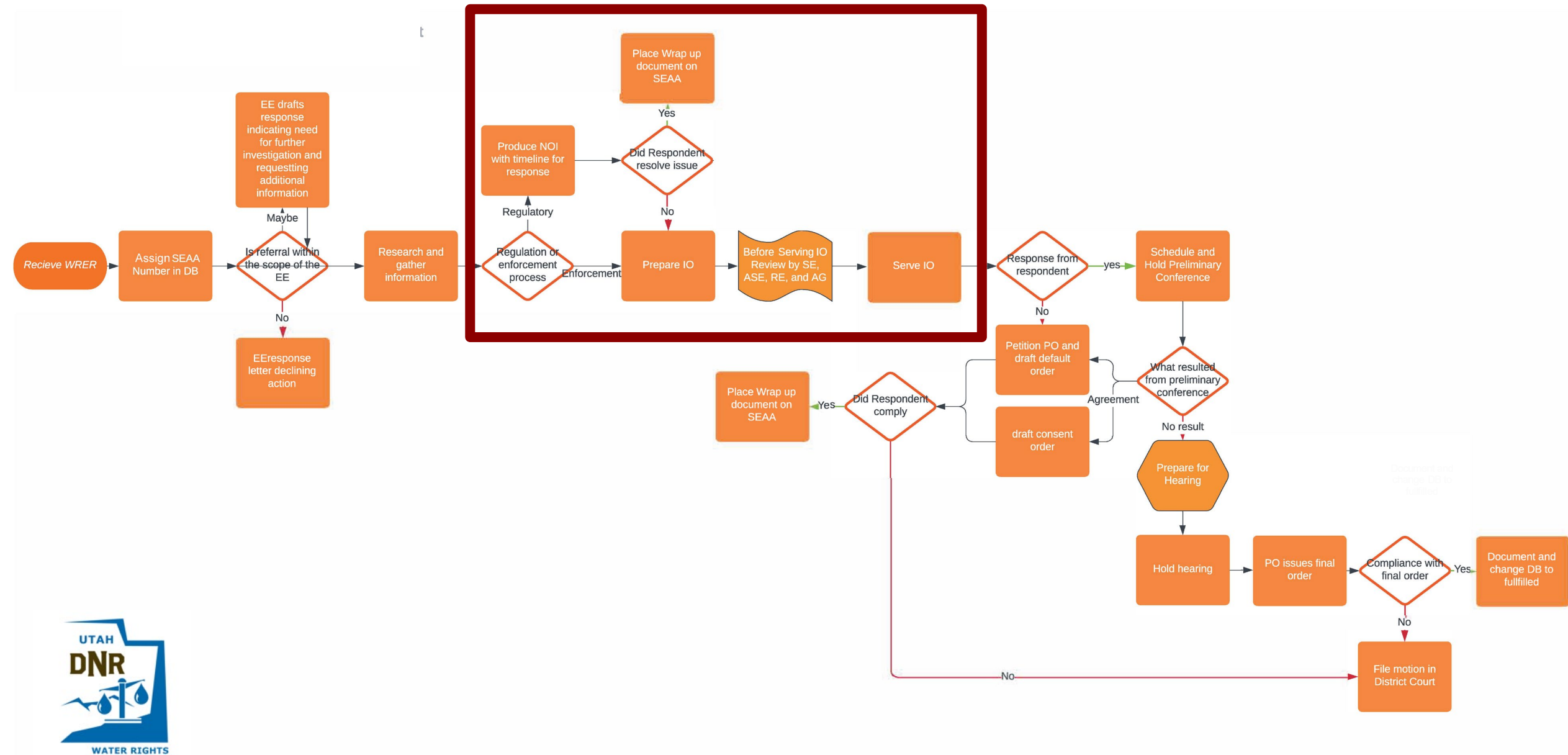


When is an enforcement action not authorized?

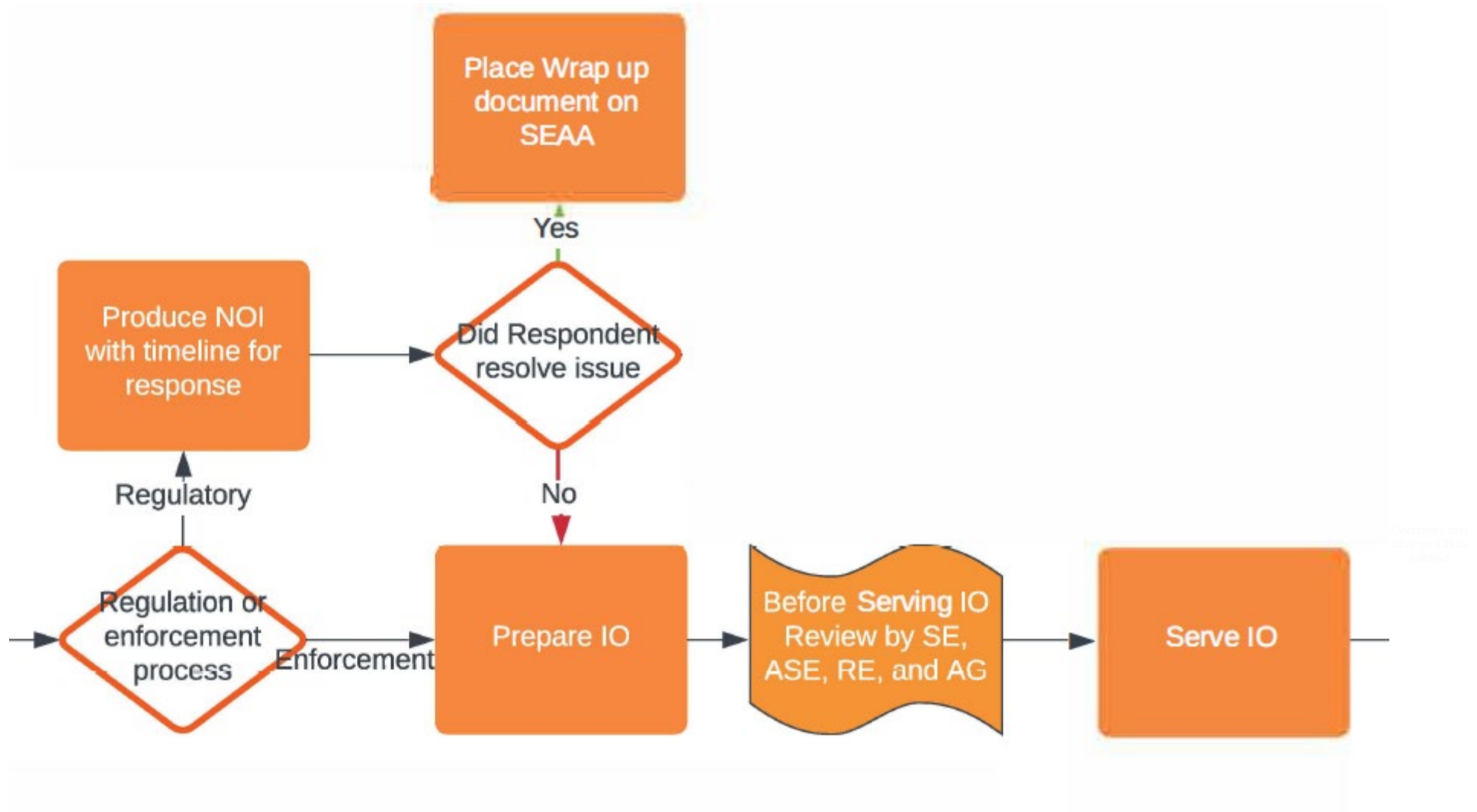
- One (1) year or more has passed since violation
- Civil disputes between water users
- Internal disputes in water or irrigation companies
- Right-of-way, easement or trespass disputes



Enforcement Process



Regulation vs. Enforcement

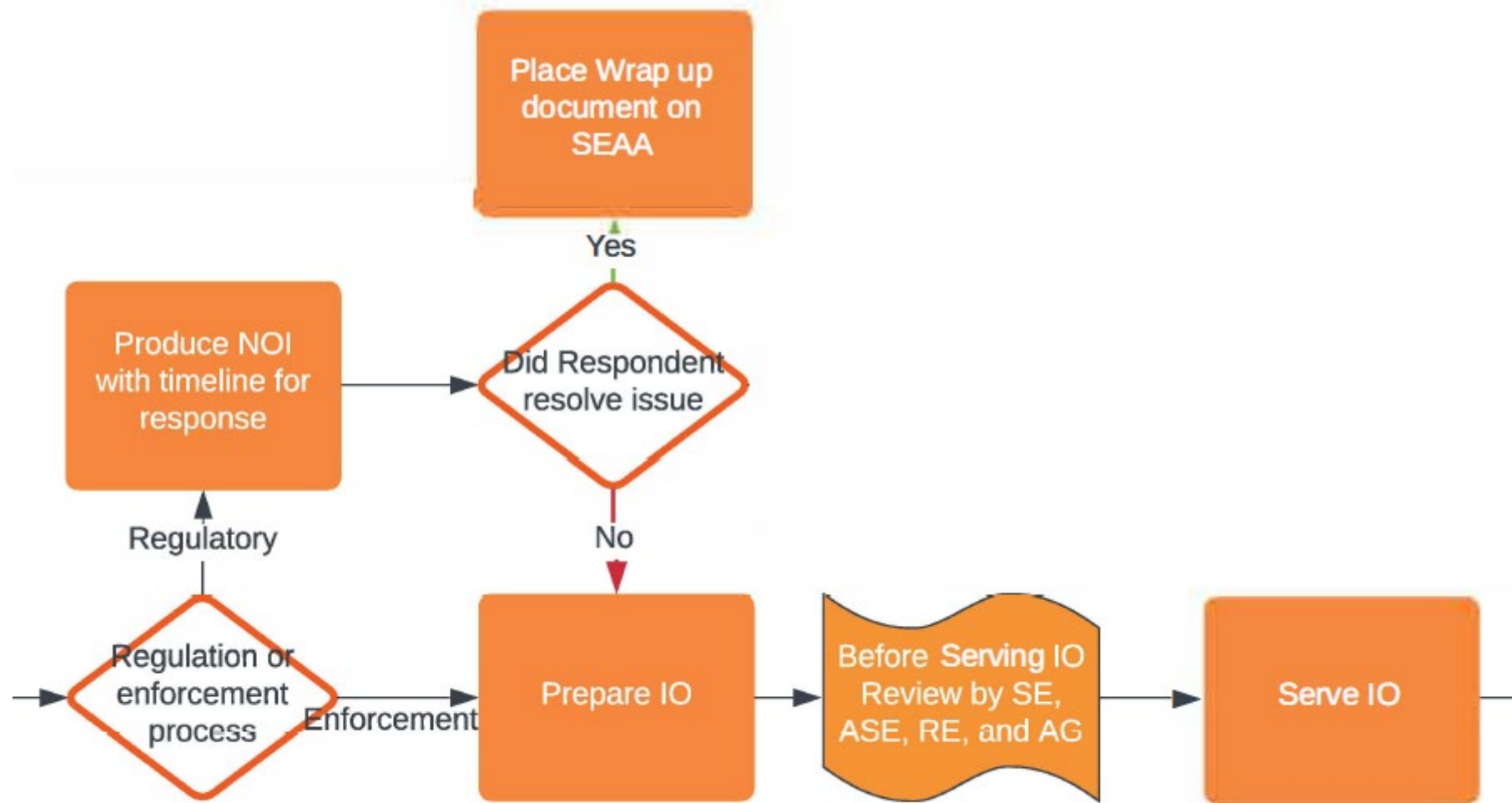


Notice of Investigation

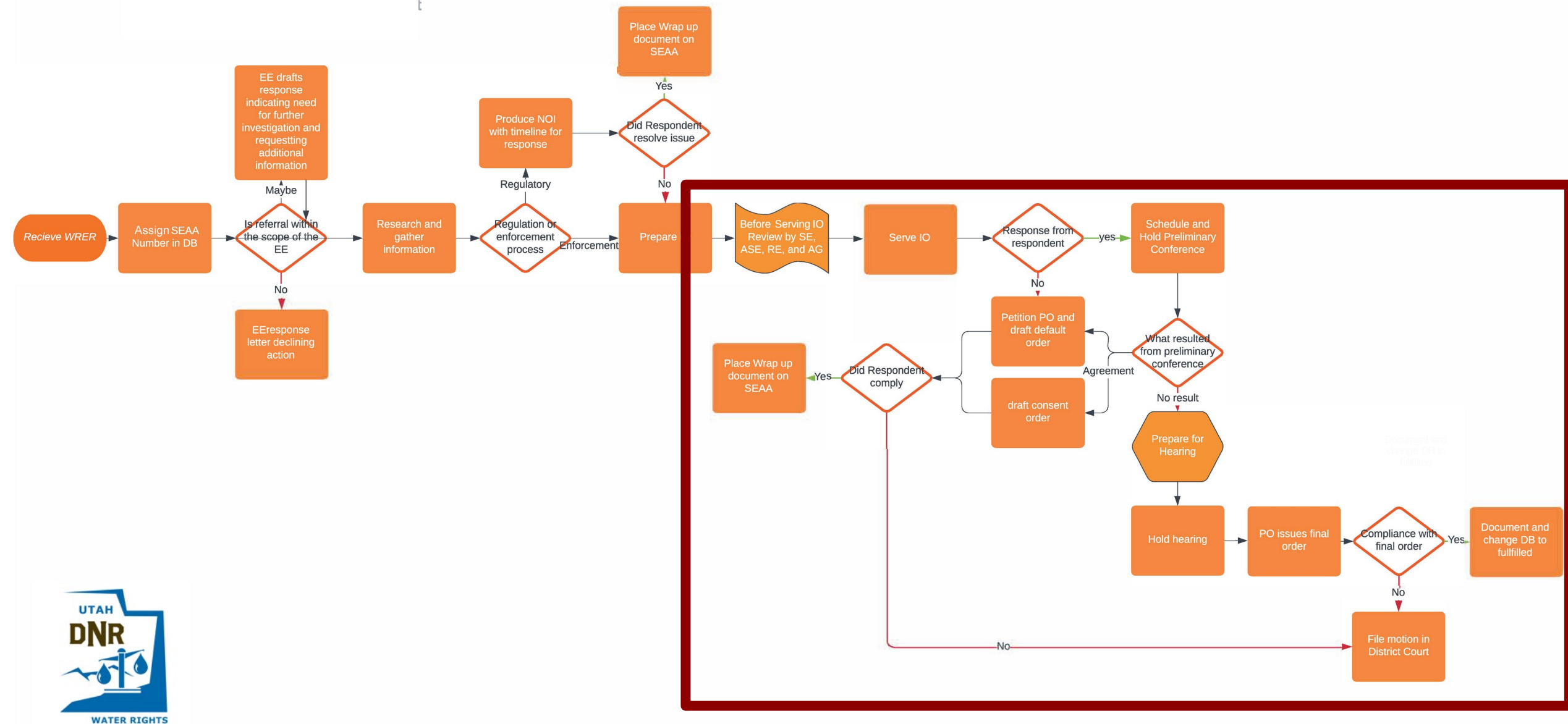
- A summary of the Water Right Enforcement Referral
- A description of the **alleged** violation
- A deadline (two full business weeks) for when a response is required
- A summary of applicable enforcement statutes and penalties



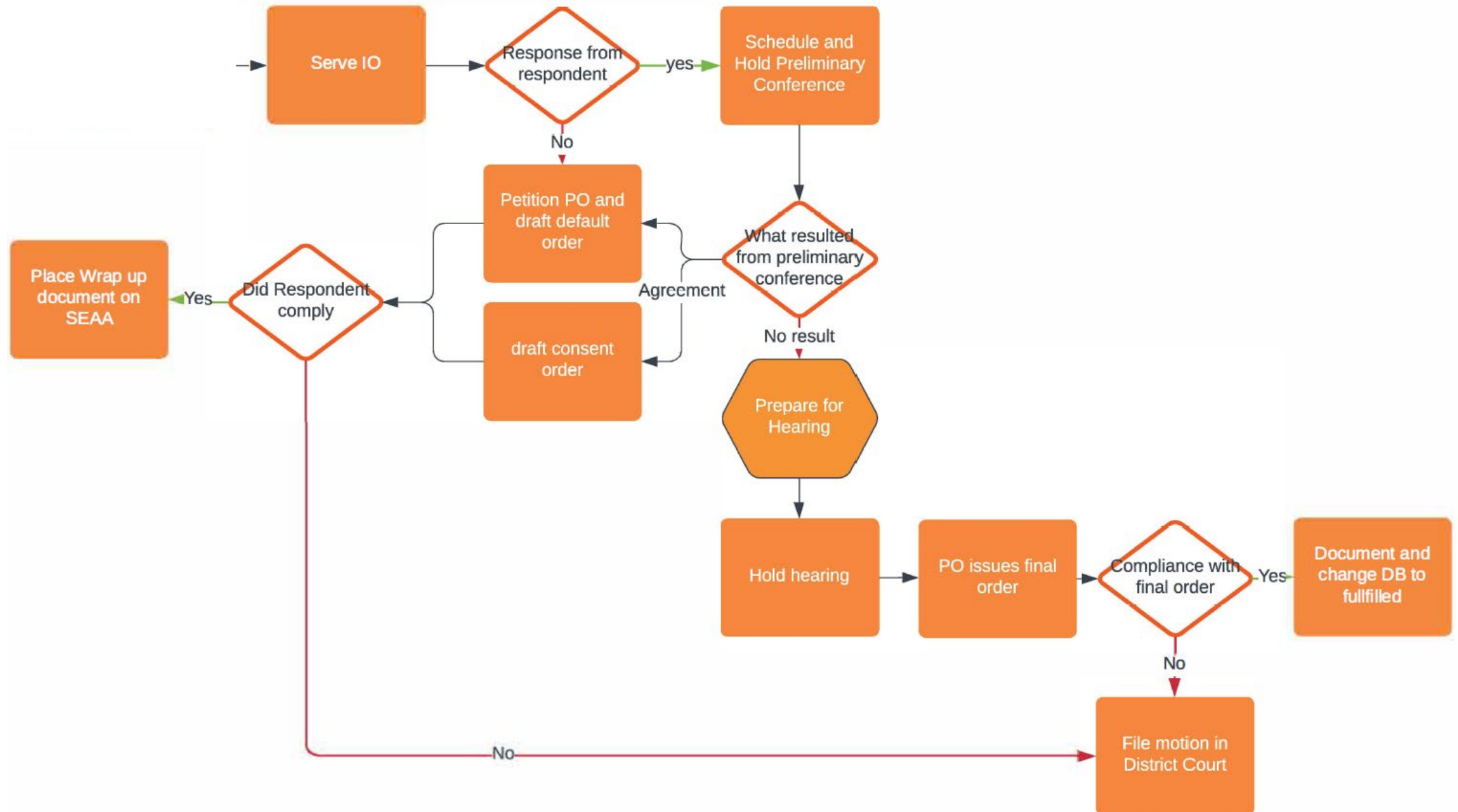
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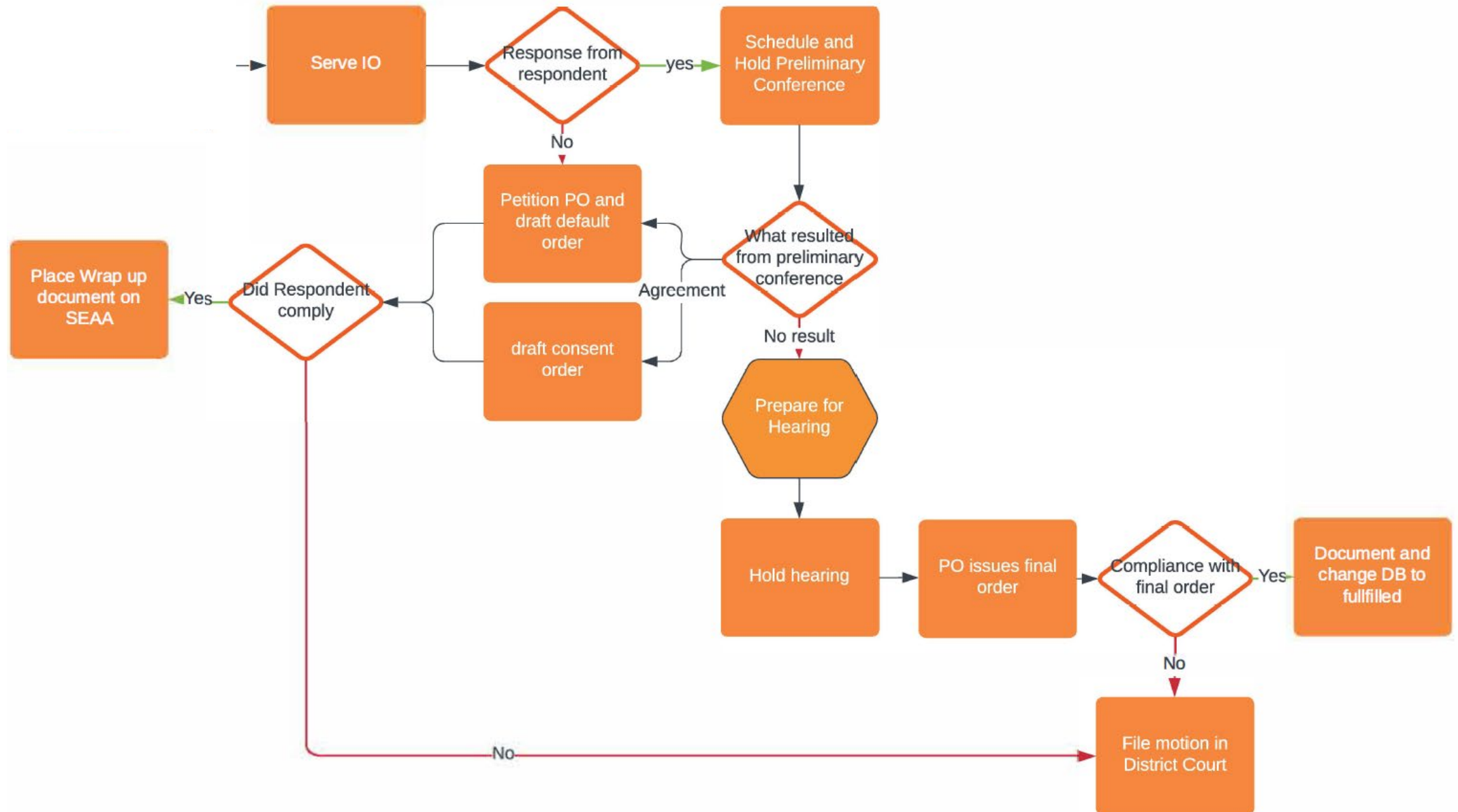
“Formal” Enforcement



Initial Order

- A description of the violation;
- Notice of any penalties to which person may be subject to;
and
- Notice that each day's violation may be treated as a separate violation.

“Formal” Enforcement

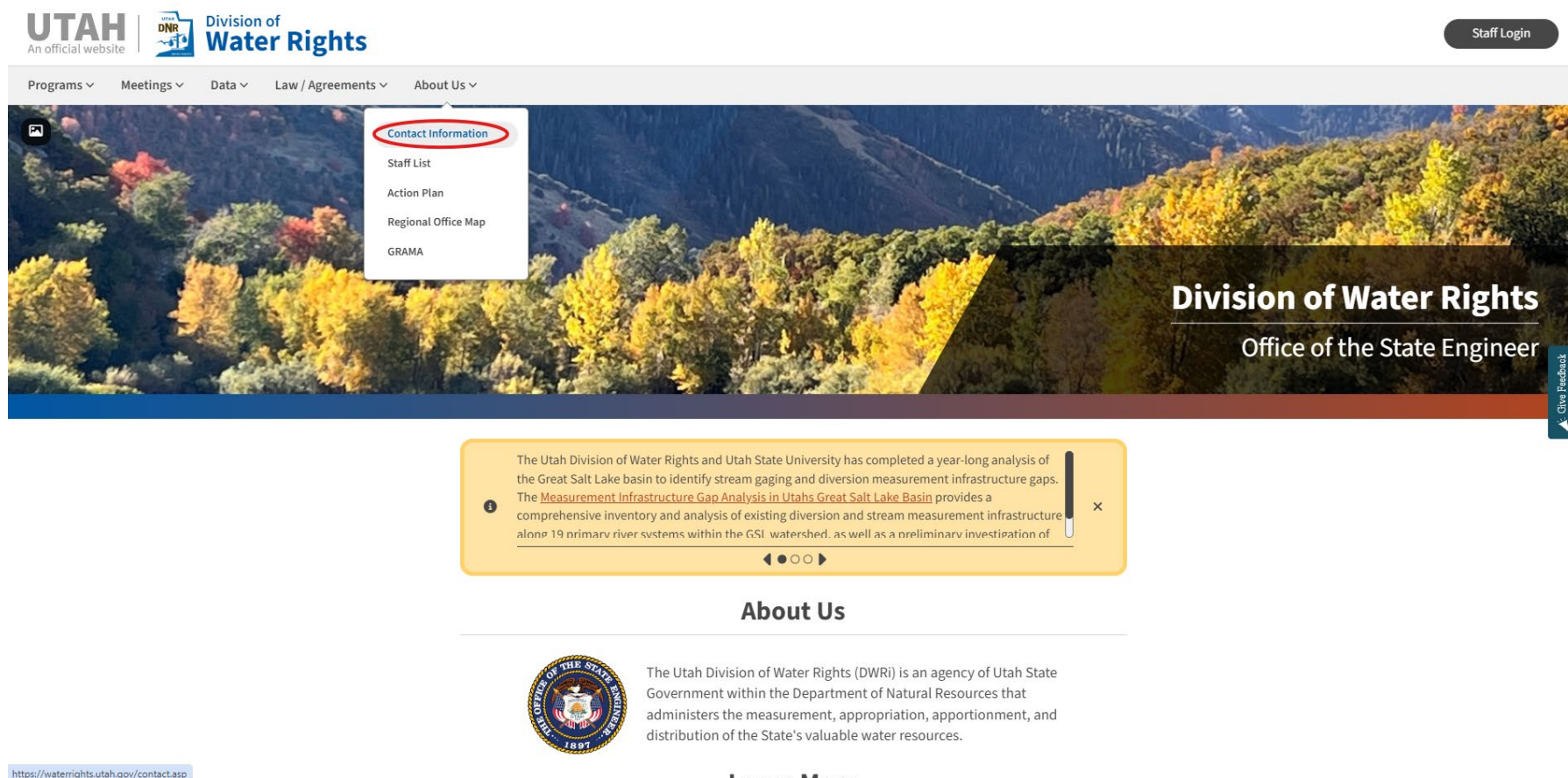


Final Order

- Pay an administrative fine not to exceed:
 - (A) \$5,000 for each knowing violation; or
 - (B) \$1,000 for each violation that is not knowing;
- Replace up to 200% of water taken; and
- Be liable for any expenses incurred by the SE or Division in investigating and stopping the violation.



Enforcement Contact Information



The screenshot shows the Utah Division of Water Rights website. The header includes the Utah DNR logo and the text "Division of Water Rights". A navigation menu is visible with items: Programs, Meetings, Data, Law / Agreements, and About Us. The "About Us" menu is open, and the "Contact Information" option is highlighted with a red circle. Other options in the menu include Staff List, Action Plan, Regional Office Map, and GRAMA. The main banner features a scenic image of a forest with yellow and orange trees, with the text "Division of Water Rights" and "Office of the State Engineer". A yellow notification box is present, stating: "The Utah Division of Water Rights and Utah State University has completed a year-long analysis of the Great Salt Lake basin to identify stream gaging and diversion measurement infrastructure gaps. The [Measurement Infrastructure Gap Analysis in Utah's Great Salt Lake Basin](#) provides a comprehensive inventory and analysis of existing diversion and stream measurement infrastructure along 19 primary river systems within the GSI watershed, as well as a preliminary investigation of...". Below the notification box is an "About Us" section with the Utah State Seal and the text: "The Utah Division of Water Rights (DWRi) is an agency of Utah State Government within the Department of Natural Resources that administers the measurement, appropriation, apportionment, and distribution of the State's valuable water resources."

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

