Water Rights

Administrative Hearing Q&A

(Informal Proceedings)

What is a water right 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.

When is a water right administrative hearing held?

A hearing may be held to gather additional information for any administrative action before the Division of Water Rights. The Division may hold a hearing if it is requested in a timely filed protest.

Who can participate in a water right administrative hearing?

Only parties to the application may participate in an administrative hearing. Parties to an application include the applicant and persons who timely file a protest (i.e., protestants). The main purpose of a hearing is to gather information related to the application. Although the hearing officer has the discretion to allow non-parties (someone other than the applicant or protestant) to make a statement at the hearing. This type of participation does not make the person a party or give the person the right to seek judicial review of the decision.

What issues may be addressed at the hearing?

Arguments and evidence presented at the hearing should only address matters within the State Engineer's statutory authority that relate to whether the State Engineer may approve or reject the application.

Is a decision made at the hearing?

No. A decision on the application is not made at the hearing. The State Engineer evaluates the application, information gathered during the hearing and subsequent review, and applicable legal requirements, then issues a written order at a later date. The order is then mailed to all parties and posted in the associated water right file.

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.

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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.