



# Navigating Utah River Access

Session 1: The Past, Present, and Future of Stream Access in Utah

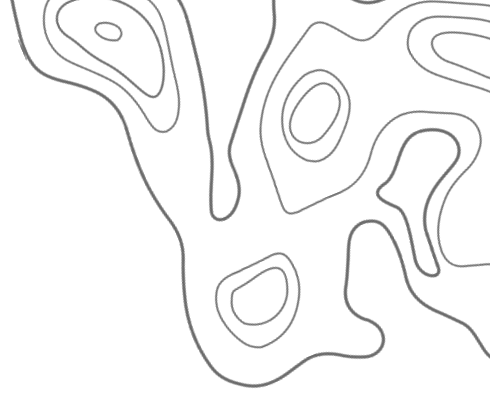


Institute of Outdoor Recreation & Tourism  
UtahStateUniversity.



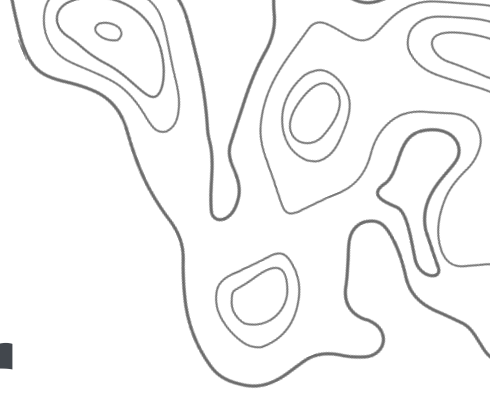
Extension  
UtahStateUniversity





Office of the Property  
Rights Ombudsman





# Disclaimer

The purpose of this webinar is to provide practical and educational information about stream access in Utah for both private landowners and the recreating public. Efforts have been made to ensure this information is consistent with Utah's current stream access framework; however, it is not legal advice. Please consult applicable laws, agencies, landowners, or legal counsel when specific questions or disputes arise.

# Three Webinar Structure

## Past, Present, and Future of Stream access in Utah

- *Today*

## Utah Stream Access: Right, Responsibilities, and Enforcement

- *May 26th at 11:00am*

## Working Solutions Under the Current Framework

- *June 2nd at 11:00am*





# Presenters

**Randy Parker**, former CEO of Utah Farm Bureau

**Cullen Battle**, former attorney for Utah Stream Access Coalition



# Main Topics

01

**Utah's Stream Access Rollercoaster Ride**  
**-Randy Parker**

02


**Public Waters Access Act and Navigability**  
**-Cullen Battle**

03


**Q&A**



01



**Randy Parker:**  
Utah's Stream Access  
Rollercoaster Ride



**Cullen Battle:**  
Public Waters  
Access Act  
—  
Navigability

02





# Public Waters Access Act

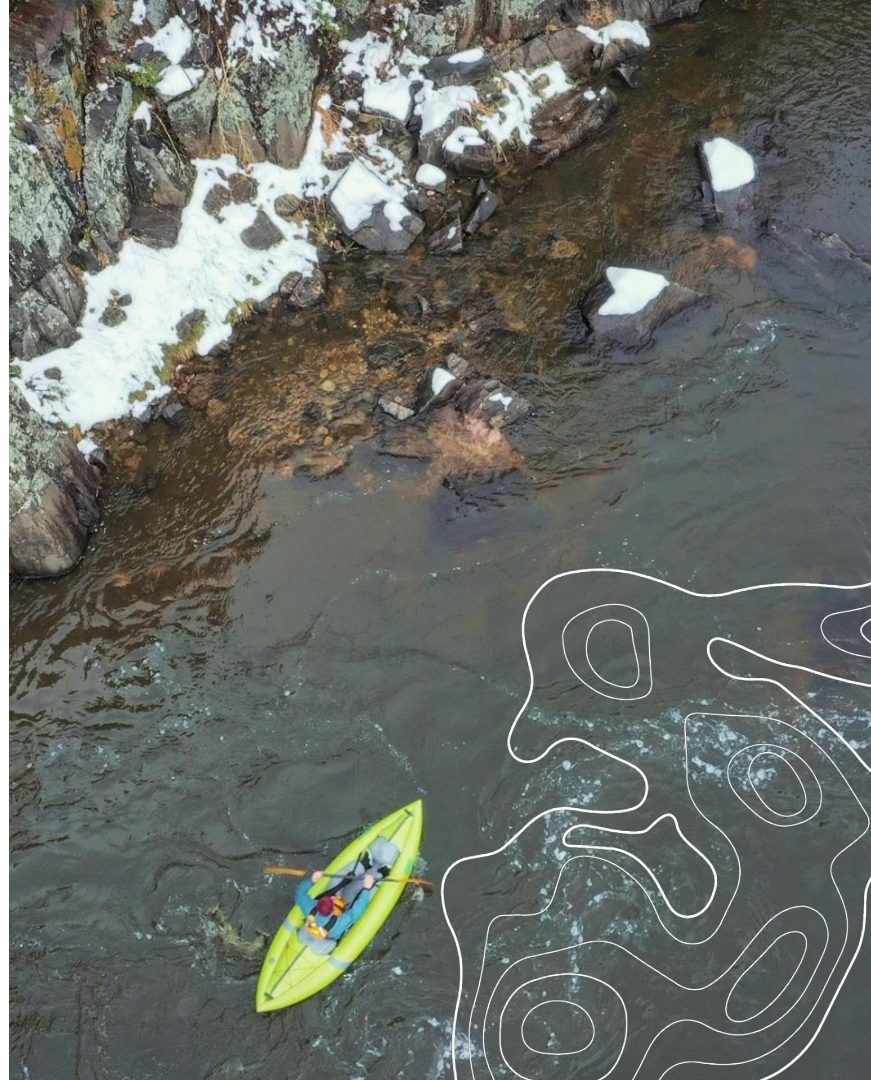






## Public is Allowed To:

- Float on water that has sufficient width, depth, and flow to allow the free passage of a chosen vessel.
- Incidentally touch the streambed to maintain safe passage.
- Portage around dangerous obstructions.
- Fish while floating.
- \*Right to float does not apply to impounded wetlands.





**PRIVATE  
PROPERTY  
NO TRESPASSING**

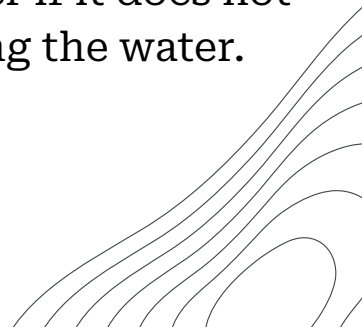
## **Public is Prohibited From:**

- Wading.
- Anchoring.
- Other non-incidental touching of the streambed.
- Hunting.
- “Stopping” on private property.



## **Fencing:**

Landowner is allowed to place a fence or other obstruction across the water if it does not create an unreasonably dangerous condition to members of the public using the water.





# **PWAA does not limit Access To:**

- Navigable Waters
- Waters on public lands

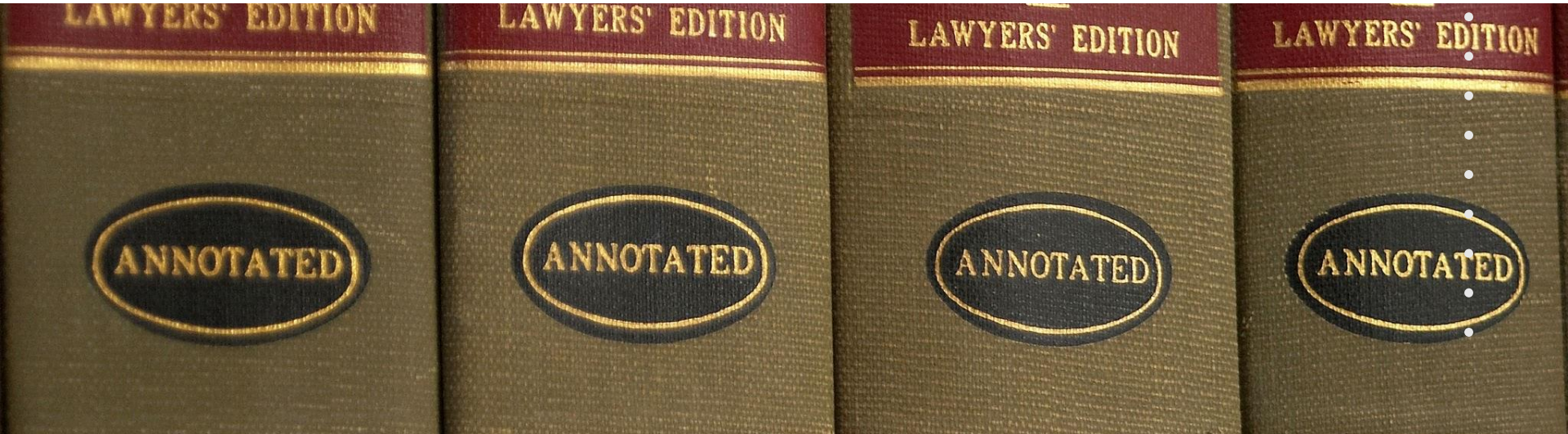




# Public Prescriptive Right of Access/Quiet Title:

Recognizes a right where members of the public have used waters on private property openly, continuously, without permission and without interruption for at least 10 consecutive years after September 22, 1982.

The existence and scope of this public prescriptive right is determined by the courts, in a lawsuit filed by a member of the public, the Division of Wildlife Resources, or a landowner.





# NAVIGABILITY UNDER FEDERAL AND STATE LAW



# Under federal law:

1. Upon entering the Union, a State gains title to the beds of all waters within its borders then navigable. *Pollard's Lessee v. Hagan*, 44 U.S. 212 (1845).
2. Waters are navigable “when they are used or susceptible of being used in their ordinary condition as highways for commerce over which trade and travel are or may be conducted in the customary modes of travel and trade on water.” *The Daniel Ball*, 77 U.S. 557 (1870).





## Under state law:

1. “All lands of the State that have been... granted to the State by Congress... are declared to be the public lands of the State; and shall be held in trust for the people... for the respective purposes for which they have been granted... .” Utah Constitution, Article XX, Section 1 (1896).
2. This public trust includes the beds of navigable waters and protects “commerce, navigation, and fishing.” *Colman v. Utah State Land Board*, 795 P.2d 622, 635 (Utah 1990). Utah Administrative Rule R652-70-100 (2026).



# Questions

QUESTIONS OR CONCERNS? PLEASE EMAIL:  
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