

Utah

1. Definitions

- a. Produced Water – Water brought to the surface during oil or gas well drilling, completion, and production operations, which may include formation water, injected water, and flowback water.
 - i. If your state defines the term “produced water,” please provide that definition below.
Not defined

- b. Recycle/Reuse – To process or treat produced water or its constituent substances for beneficial use.
 - i. If your state defines the term “recycle” or “reuse,” please provide the definition(s) below.
Not defined in oil and gas regulations; however, the Utah statute that addresses Water and Irrigation uses a definition of reuse water that applies to domestic wastewater that is treated in Publicly Owned Treatment Works. See Utah Code §73-3c-102 (6), “Reuse water means domestic wastewater treated to a standard acceptable under rules made by the Water Quality Board . . .”

2. Ownership

- a. Please describe the authority (deed, lease, contract, statute, regulation, case law, common law etc..) and include any relevant citations under which any of the following occurs.
 - i. The right to produce water during well completion and oil and gas production operations.
None

 - ii. Ownership of produced water from oil or gas wells after it has been brought to the surface.
None

 - iii. Use and/or reuse of produced water in the oilfield.
Much of the use and/or reuse of produced water in the oilfield occurs as part of enhanced recovery projects that are dependent on injection into UIC Class II wells. Although injected fluid is not always produced water, the use of produced water for such purpose is common. Utah’s rules for underground injection control are included as multiple requirements under the citing of Utah Administrative Code Rule R649-5.

Underground Injection Control of Recovery Operations and Class II Injection Wells.

Also, Utah’s rules for oil and gas waste management indicate the preferred practice for waste reduction and recycling of E and P Wastes that are exempt from the RCRA hazardous waste management requirements. See Utah Administrative Code Rule R649-9-2. General Waste Management, part 2. “Reduction of the amount of material generated that must be disposed of is the preferred practice.”; and part 2.1. “Recycling should be used whenever possible and practical.” These rules are not generally intended to apply to produced water; however, broad application of the rule could include produced water.

- iv. Use and/or reuse of produced water outside of the oilfield.
None.

- b. Place an “x” in each box to indicate who holds the right to each of the following regarding water that has not yet been produced.

Who	Possession	Use	Other rights (please specify)
Landowner			
Operator		x – to the extent that underground water is kept in the industrial process and is not yet appropriated by the State Engineer	
Government	x		
Other (please specify)		x – subject to adjudication and appropriation by the State Engineer	

- c. Place an “x” in each box to indicate who holds the right to each of the following regarding produced water after it has been brought to the surface.

Who	Possession	Use	Other rights (please specify)
Landowner			
Operator		x – to the extent that produced water is kept in the industrial process and is not yet appropriated by the State Engineer	
Government	x		
Other (please specify)		x – subject to adjudication and appropriation by the State Engineer	

- d. Does the quality of the produced water play a role in the ownership of the water?

No

3. Liability

- a. Please provide the cite to any relevant state statute/case law/regulation regarding liability for:
- i. Produced water handling (extraction, transportation, sale, etc.).
None
 - ii. Use and/or reuse of produced water in the oilfield:
 1. By the producer
None
 2. By a different operator
None

iii. Use and/or reuse of produced water outside of the oilfield.

None

4. State or Provincial Regulatory Agency

a. State or provincial agencies charged with regulating the use/reuse of produced water:

For oil and gas regulation, Utah Division of Oil, Gas and Mining (DOGGM)

For water rights adjudication/appropriation, Utah State Engineer/Division of Water Rights (DWRI)

Contact information:

**DOGGM: 1594 W. North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114-5801
Ph. 801-538-5340**

**DWRI: 1594 W. North Temple, Suite 220
P.O. Box 146300
Salt Lake City, UT 84114-6300
Ph. 801-538-7240**

Brief summary of areas of responsibilities:

b. Federal agencies charged with regulating the use and/or reuse of produced water:
If available, please provide appropriate contact information.

For federal lands in Utah, the U.S. Bureau of Land Management will have a role in managing how produced water may be used or reused from federal oil and gas leases.

Also, for tribally owned lands, there will be a role for each of the affected Tribal Nations and perhaps even the U.S. Bureau of Indian Affairs.

5. Incentives

a. Does your state or province have any incentives to use and/or reuse produced water in the oilfield? If so, please describe.

No

- b. Outside of the oilfield? If so, please describe.

No

6. Innovations and Successes

- a. Do you have any innovative or unique approaches to addressing use and/or reuse of produced water? If so, please provide a brief description.

- b. Does the quality of the produced water pose impediments to recycling and reuse?

7. Other Information

- a. Please provide any additional notes or commentary below.