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RAINWATER HARVESTING

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Kerry W. Gibson

LONG TITLE

General Description:

This bill provides for the collection and use of precipitation without obtaining a water right under certain conditions.

Highlighted Provisions:

This bill:

- ▶ provides for the collection and use of precipitation without obtaining a water right under certain conditions; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-3-1, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **73-3-1** is amended to read:

73-3-1. Appropriation -- Manner of acquiring water rights.

[Rights] (1) A person may only acquire a right to the use of the unappropriated public



28 waters in this state [~~may be acquired only~~] as provided for in this title. [~~No appropriation of~~
29 ~~water may be made and no rights to the use thereof initiated and no notice of intent to~~
30 ~~appropriate shall be recognized except application for such appropriation first be made to the~~
31 ~~state engineer in the manner hereinafter provided, and not otherwise. The]~~

32 (2) The appropriation of public waters in the state shall comply with the requirements
33 of this title.

34 (3) Except as provided in Subsection (7), a person obtaining, initiating the use of, or
35 providing notice of intent to appropriate a water right shall comply with the requirements of
36 this chapter.

37 (4) A person shall make an appropriation [~~must be for some~~] for a useful and beneficial
38 purpose[~~, and, as between~~].

39 (5) (a) Between appropriators, the one first in time [~~shall be~~] is first in rights[;
40 ~~provided, that when a~~].

41 (b) A use designated by an application to appropriate any of the unappropriated waters
42 of the state that would materially interfere with a more beneficial use of [~~such~~] the water[~~; the~~
43 ~~application~~] shall be dealt with as provided in Section 73-3-8. [~~No~~]

44 (6) A person may not acquire a right to the use of water either appropriated or
45 unappropriated [~~can be acquired~~] by adverse use or adverse possession.

46 (7) Notwithstanding the requirements of Section 73-3-2, a person may:

47 (a) directly capture and store precipitation in a storage container with a maximum
48 capacity of 2,500 gallons; and

49 (b) place the water captured and stored under Subsection (7)(a) to beneficial use.

Legislative Review Note
as of 1-21-09 10:16 AM

Office of Legislative Research and General Counsel

S.B. 128 - Rainwater Harvesting

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
