

1 **RAINWATER HARVESTING**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Scott K. Jenkins**

5 House Sponsor: Patrick Painter

7 **LONG TITLE**

8 **Committee Note:**

9 The State Water Development Commission recommended this bill.

10 Membership: 10 legislators 14 non-legislators

11 Legislative Vote: 7 voting for 1 voting against 2 absent

12 **General Description:**

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

15 **Highlighted Provisions:**

16 This bill:

17 ▶ provides for the collection and use of precipitation without obtaining a water right
18 under certain conditions; and

19 ▶ makes technical corrections.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **73-3-1**, Utah Code Annotated 1953



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

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

30 **73-3-1. Appropriation -- Manner of acquiring water rights.**

31 ~~[Rights]~~ (1) A person may only acquire a right to the use of the unappropriated public
32 waters in this state ~~[may be acquired only]~~ as provided for in this title. ~~[No appropriation of~~
33 ~~water may be made and no rights to the use thereof initiated and no notice of intent to~~
34 ~~appropriate shall be recognized except application for such appropriation first be made to the~~
35 ~~state engineer in the manner hereinafter provided, and not otherwise. The]~~

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

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

41 (4) An appropriation [must be for some] may be made only for a useful and beneficial
42 purpose[~~, and, as between~~].

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

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

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

50 (7) ~~§~~→ (a) As used in this Subsection (7), "parcel" means an identifiable contiguous
50a unit of property that is treated as separate for valuation or zoning purposes and includes any
50b improvements on that unit of property.

50c (b) ~~←§~~ Notwithstanding the requirements of Section 73-3-2, a person may:

51 ~~§~~→ ~~[(a)] (i) ←§~~ directly capture and store precipitation:

52 ~~§~~→ ~~[(i) on property] (A) on a parcel ←§~~ owned or leased by the person; and

53 ~~§~~→ ~~[(ii)-(A)] (B)(I) ←§~~ in ~~§~~→ ~~[an] one ←§~~ underground storage container ~~§~~→ for the
54 parcel ←§ :

54 ~~§~~→ ~~[(H)] (Aa) ←§~~ with a maximum capacity of 2,500 gallons; and

55 ~~§~~→ ~~[(HB)] (Bb) ←§~~ installed in accordance with relevant building codes adopted under Title 58,
56 Chapter 56, Utah Uniform Building Standards Act; or

57 ~~§~~→ ~~[(B)] (II) ←§~~ in ~~§~~→ no more than 2 ←§ covered storage containers ~~§~~→ for the
58 parcel ←§ with a maximum capacity of ~~§~~→ [55] 100 ←§ gallons per
58 container; and

59 (b) place the water captured and stored under Subsection (7)(a) to beneficial use on the
60 ~~§~~→ [property] parcel ←~~§~~ on which the water is captured and stored.

Legislative Review Note
as of 12-15-09 11:45 AM

Office of Legislative Research and General Counsel

S.B. 32 - Rainwater Harvesting

Fiscal Note

2010 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.
