

RAINWATER HARVESTING

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Patrick Painter

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

ENACTS:

73-3-1.5, 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 acquire a right to the use of the unappropriated public

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

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

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

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

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

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

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

48 (7) Notwithstanding Section 73-3-2, a person may directly capture and store
49 precipitation as provided in Section 73-3-1.5.

50 Section 2. Section **73-3-1.5** is enacted to read:

51 **73-3-1.5. Capture and store precipitation.**

52 (1) As used in this section, "parcel" means an identifiable contiguous unit of property
53 that is treated as separate for valuation or zoning purposes and includes an improvement on
54 that unit of property.

55 (2) Notwithstanding Section 73-3-2, a person may:

56 (a) directly capture and store precipitation on a parcel owned or leased by the person in
57 accordance with Subsection (3) or (4); and

58 (b) place the water captured and stored as provided in Subsection (2)(a) to beneficial
59 use on the parcel on which the water is captured and stored.

60 (3) If a person collects or stores precipitation in an underground storage container, the
61 person may collect and store precipitation:

62 (a) in only one underground storage container for a parcel if the underground storage
63 container:

64 (i) has a maximum capacity of no more than 2,500 gallons; and

65 (ii) is installed in accordance with relevant building codes adopted under Title 58,
66 Chapter 56, Utah Uniform Building Standards Act; and

67 (b) after registering for the capture and storage of precipitation in accordance with
68 Subsection (5).

69 (4) If a person collects or stores precipitation in a covered storage container, the person
70 may collect and store precipitation in no more than two covered storage containers, if the
71 maximum storage capacity of any one covered storage container is not greater than 100 gallons.

72 (5) (a) The state engineer shall provide a website on which a person may register as
73 required by Subsection (3).

74 (b) To register, a person shall complete information required by the state engineer
75 including the:

76 (i) name and address of the person capturing or storing precipitation;

77 (ii) total capacity of all containers storing precipitation; and

78 (iii) street address or other suitable description of the location where precipitation is to
79 be captured and stored.