

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0329.01 Kate Meyer

SENATE BILL 09-080

SENATE SPONSORSHIP

Isgar, Romer, White

HOUSE SPONSORSHIP

Looper,

Senate Committees
Agriculture and Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITED EXEMPTIONS FOR WATER COLLECTED FROM**
102 **CERTAIN RESIDENTIAL ROOFTOPS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Authorizes the collection of precipitation from up to 3,000 square feet of a roof of a building that is primarily used as a residence and is not connected to a domestic water system serving more than 3 single-family dwellings, if the water thus collected is used for:

- ! Fire protection;
- ! The watering of poultry, domestic animals, and livestock on farms and ranches;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- ! The irrigation of not over one acre of gardens and lawns; or
- ! Ordinary household purposes.

Requires a person who wishes to collect precipitation from a rooftop to file an application in the form and manner specified by the state engineer and pay a fee in an amount to be determined by the state engineer.

For a person using an exempt well, limits rooftop precipitation collection to the same dwellings served by the well and subject to any limitations on use contained in the well permit.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 37-92-602 (1) (e) and (1) (f), Colorado Revised
3 Statutes, are amended, and the said 37-92-602 (1) is further amended BY
4 THE ADDITION OF A NEW PARAGRAPH, to read:

5 **37-92-602. Exemptions - presumptions - legislative**
6 **declaration.** (1) The provisions of this article, except for sections
7 37-92-201 and 37-92-202, shall not be applicable to:

8 (e) Wells not exceeding fifty gallons per minute ~~which~~ THAT are
9 in production as of May 22, 1971, and were and are used for ordinary
10 household purposes for not more than three single-family dwellings, fire
11 protection, the watering of poultry, domestic animals, and livestock on
12 farms and ranches, and for the irrigation of not over one acre of gardens
13 and lawns; ~~and~~

14 (f) Wells to be used exclusively for monitoring and observation
15 purposes if said wells are capped and locked and used only to monitor
16 water levels or for water quality sampling; AND

17 (g) (I) ANY SYSTEM OR METHOD OF COLLECTING PRECIPITATION
18 FROM THE ROOF OF A BUILDING THAT IS USED PRIMARILY AS A RESIDENCE
19 AND IS NOT SERVED BY, WHETHER OR NOT CONNECTED TO, A DOMESTIC
20 WATER SYSTEM THAT SERVES MORE THAN THREE SINGLE-FAMILY

1 DWELLINGS, BUT ONLY IF THE WATER THUS COLLECTED IS USED FOR ONE
2 OR MORE OF THE FOLLOWING:

- 3 (A) ORDINARY HOUSEHOLD PURPOSES;
- 4 (B) FIRE PROTECTION;
- 5 (C) THE WATERING OF POULTRY, DOMESTIC ANIMALS, AND
6 LIVESTOCK ON FARMS AND RANCHES; OR
- 7 (D) THE IRRIGATION OF NOT MORE THAN ONE ACRE OF GARDENS
8 AND LAWNS.

9 (II) AS USED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), "A
10 BUILDING THAT IS USED PRIMARILY AS A RESIDENCE" MAY INCLUDE, BUT
11 IS NOT LIMITED TO, ANY STRUCTURE USED FOR HABITATION, REGARDLESS
12 OF WHETHER THE STRUCTURE IS OPERATED COMMERCIALY OR INHABITED
13 INTERMITTENTLY.

14 (III) ON AND AFTER JULY 1, 2009, ANY PERSON WISHING TO USE A
15 SYSTEM OR METHOD OF ROOFTOP PRECIPITATION CAPTURE THAT QUALIFIES
16 AS EXEMPT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) SHALL
17 COMPLY WITH ONE OF THE FOLLOWING PROVISIONS OF
18 SUB-SUBPARAGRAPHS (A), (B), OR (C) OF THIS SUBPARAGRAPH (III):

19 (A) A PERSON WHO HAS A WELL PERMIT ISSUED OR RECORDED
20 PURSUANT TO THIS SECTION AND WHO INTENDS TO USE A SYSTEM OR
21 METHOD OF ROOFTOP PRECIPITATION CAPTURE THAT QUALIFIES AS EXEMPT
22 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) SHALL FILE, ON A FORM
23 PRESCRIBED BY THE STATE ENGINEER, A NOTICE AND DESCRIPTION OF THE
24 SYSTEM OR METHOD OF ROOFTOP PRECIPITATION CAPTURE TO BE USED IN
25 CONJUNCTION WITH THE WELL. NO FEE SHALL BE CHARGED FOR THE
26 FILING OF THIS FORM.

27 (B) A PERSON WHO APPLIES FOR A NEW WELL PERMIT PURSUANT

1 TO THIS SECTION AND WHO INTENDS TO USE A SYSTEM OR METHOD OF
2 ROOFTOP PRECIPITATION CAPTURE THAT QUALIFIES AS EXEMPT UNDER
3 SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) SHALL FILE, ON A FORM
4 PRESCRIBED BY THE STATE ENGINEER, A NOTICE AND DESCRIPTION OF THE
5 SYSTEM OR METHOD OF ROOFTOP PRECIPITATION CAPTURE TO BE USED IN
6 CONJUNCTION WITH THE WELL. NO FEE SHALL BE CHARGED FOR THE
7 FILING OF THIS FORM.

8 (C) A PERSON WHO DOES NOT INTEND TO CONSTRUCT AND USE A
9 WELL, BUT WOULD OTHERWISE BE ENTITLED TO THE ISSUANCE OF A WELL
10 PERMIT PURSUANT TO THIS SECTION, INCLUDING THE PROVISIONS OF
11 SUBSECTION (6) OF THIS SECTION, SHALL SUBMIT AN APPLICATION IN THE
12 FORM AND MANNER DESIGNATED BY THE STATE ENGINEER FOR A PERMIT
13 TO INSTALL AND USE A SYSTEM OR METHOD OF ROOFTOP PRECIPITATION
14 CAPTURE AND PAY A FEE IN AN AMOUNT TO BE DETERMINED BY THE STATE
15 ENGINEER. IF THE STATE ENGINEER DETERMINES THAT THE PROPOSED
16 SYSTEM OR METHOD OF ROOFTOP PRECIPITATION CAPTURE MEETS THE
17 REQUIREMENTS OF THIS PARAGRAPH (g), THE STATE ENGINEER SHALL
18 ISSUE A PERMIT FOR THE SYSTEM OR METHOD, BUT NOT OTHERWISE. THE
19 STATE ENGINEER SHALL ENFORCE THE PROVISIONS OF THE PERMIT IN THE
20 SAME MANNER AS THE ENFORCEMENT OF ANY WELL PERMIT ISSUED UNDER
21 THIS SECTION.

22 (IV) A PERSON USING OR LEGALLY ENTITLED TO USE A WELL
23 PURSUANT TO THIS SECTION SHALL BE ALLOWED TO COLLECT ROOFTOP
24 PRECIPITATION PURSUANT TO THIS PARAGRAPH (g) ONLY FOR USE BY THE
25 SAME DWELLINGS THAT ARE OR WOULD BE SERVED BY THE WELL AND
26 SUBJECT TO THE SAME LIMITATIONS ON USE CONTAINED IN THE WELL
27 PERMIT OR, IN THE ABSENCE OF A WELL PERMIT, THE WELL PERMIT TO

1 WHICH THE PERSON WOULD BE LEGALLY ENTITLED, AS DETERMINED BY
2 THE STATE ENGINEER.

3 **SECTION 2. Effective date.** This act shall take effect July 1,
4 2009.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.