

1 Be it Enacted by the People of the State of Colorado:

2 **SECTION 1.** Article XVI of the constitution of the state of Colorado is amended BY
3 THE ADDITION OF A NEW SECTION to read:

4
5 **Section 9. Colorado water priorities and conservation act.** (1) ARTICLE XVI, SEC. 6,
6 II APPROPRIATION, D. PREFERENCE FOR DOMESTIC PURPOSES IS AMENDED.
7 CONSTRUCTION OF NEW PRIVATELY OWNED RESIDENTIAL DWELLING UNITS SHALL BE
8 CLASSIFIED AS MANUFACTURING AND THE PROCUREMENT OF WATER FOR SUCH SHALL BE
9 CLASSIFIED AS HAVING A MANUFACTURING PURPOSE. AT THE TIME WHEN A NEWLY
10 CONSTRUCTED PRIVATELY OWNED RESIDENTIAL HOUSING UNIT IS OCCUPIED, THE WATER
11 FOR SUCH SHALL BE CLASSIFIED AS HAVING A DOMESTIC PURPOSE. WHEN THE WATERS OF
12 ANY NATURAL STREAM ARE NOT SUFFICIENT TO SUPPLY ALL APPROPRIATORS, THE USERS
13 ARE CLASSIFIED BY PREFERENCES IN THE ORDER OF DOMESTIC PURPOSES, AGRICULTURAL
14 PURPOSES AND MANUFACTURING PURPOSES.

15 (2) WATER FOR IRRIGATION PURPOSES INCLUDING ADJUDICATED WATER WELLS AND
16 WATER DIVERSION RIGHTS SHALL BE PRIORITIZED BY THE DATE SUCH WELL OR DIVERSION
17 RIGHT WAS PLACED INTO SERVICE AND NOT NECESSARILY WHEN SUCH ADJUDICATION WAS
18 MADE OR REQUIRED. IRRIGATION WELLS FOR THE PURPOSE OF FOOD PRODUCTION
19 WHETHER A FARM OR RANCH SHALL NOT BE WASTEFUL BUT OTHERWISE SHALL BE
20 UNREGULATED UNLESS THERE EXISTS SUCH A DROUGHT OR WATER SHORTAGE THAT
21 DOMESTIC IN-HOUSEHOLD USE OF WATER IS SEVERELY THREATENED.

22 (a) NO LAW, ORDINANCE OR COVENANT, PAST OR PRESENT, SHALL PROHIBIT THE USE
23 OF DRY LAND OR WATER CONSERVING GRASSES FOR LAWNS AND GREENWAYS, PUBLIC OR
24 PRIVATE.

25 (3) HOUSEHOLDS EXCLUSIVELY DEPENDANT ON WATER WELLS EXISTING BEFORE
26 DECEMBER 31, 2008 AND WHERE SUCH WELLS ARE TESTED AS SAFE AND POTABLE BY A
27 HEALTH DEPARTMENT OR AGENCY SHALL BE ALLOWED TO CONTINUE SUCH SERVICE AS
28 SHALL A WELL USED EXCLUSIVELY FOR YARD WATERING PURPOSES WHERE TESTING IS NOT
29 REQUIRED. SUCH WELLS MAY APPLY FOR AND RECEIVE ADJUDICATION.

30 (4) LOCAL GOVERNMENTS SHALL KEEP AN ACCURATE PUBLIC RECORD OF WATER USED
31 ANNUALLY FOR EACH CLASSIFICATION OR PURPOSE AND CONTAIN METERED AMOUNTS AS
32 WELL AS RECOVERED WATER BOTH ACTUAL AND ESTIMATED, AVERAGE USE PER
33 HOUSEHOLD, AND THE ANNUAL AMOUNT OF WATER PROCURED FOR HOUSING GROWTH.

34 (5) LEGISLATION MAY BE ENACTED TO FACILITATE THE OPERATION OF THIS SECTION,
35 BUT-IN-NO-WAY SHALL SUCH LEGISLATION LIMIT OR RESTRICT THE PROVISIONS OF THIS
36 SECTION OR THE POWERS HEREIN GRANTED.

37 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

38 (a) "DWELLING UNIT" MEANS A BUILDING OR ANY PORTION OF A BUILDING DESIGNED
39 FOR OCCUPANCY AS COMPLETE, INDEPENDENT LIVING QUARTERS FOR ONE OR MORE
40 PERSONS, HAVING DIRECT ACCESS FROM THE OUTSIDE OF THE BUILDING OR THROUGH A
41 COMMON HALL AND HAVING LIVING, SLEEPING, KITCHEN AND SANITARY FACILITIES FOR
42 THE EXCLUSIVE USE OF THE OCCUPANTS.

43 (b) "FARMS AND RANCHES" MEANS FACILITIES USED FOR CULTIVATION, FEEDING, AND
44 RAISING FOOD PRODUCTS, AND INCLUDE NEEDED BUILDINGS AND HOUSING LOCATED ON A
45 PARTICULAR COMMONLY OWNED AGRICULTURAL LAND PARCEL OR PARCELS.

46 (c) "HOUSEHOLD" MEANS AN OCCUPIED DWELLING UNIT.

47 (d) "PRIVATELY OWNED RESIDENTIAL HOUSING" MEANS A SUMMATION OF DWELLING
48 UNITS WHICH ARE RESIDENTIALLY ZONED OR OTHERWISE INTENDED FOR PRIVATE
49 RESIDENTIAL USE. THOSE OWNED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT ENTITY
50 OR AN EDUCATIONAL OR MEDICAL FACILITY ARE EXCLUDED.

51
52 PROPOSERS:

53 DANIEL HAYES
54 15409 HWY 72 ARVADA CO. 80007
55 303 424 4455
56 WATERACT@YAHOO.COM

DR. GREGORY DILORENZO
4300 HARLAN STREET
WHEAT RIDGE CO. 80033
303 424 6019