

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:
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5 **Section 9. Colorado water priorities and conservation act.** (1) CONSTRUCTION OF
6 NEW PRIVATELY OWNED RESIDENTIAL HOUSING SHALL BE CLASSIFIED AS
7 MANUFACTURING AND THE PROCUREMENT OF WATER FOR SUCH SHALL BE CLASSIFIED AS
8 HAVING A MANUFACTURING PURPOSE. AT THE TIME WHEN A NEWLY CONSTRUCTED
9 PRIVATELY OWNED RESIDENTIAL DWELLING UNIT IS OCCUPIED, THE WATER FOR SUCH
10 SHALL BE CLASSIFIED AS HAVING A DOMESTIC PURPOSE. WHEN THE WATERS OF ANY
11 NATURAL STREAM ARE NOT SUFFICIENT TO SUPPLY ALL APPROPRIATORS, THE USERS SHALL
12 BE PRIORITIZED IN THE ORDER OF ANY EXISTING PRIORITY OF A WATER RIGHT INCLUDING
13 SUCH AS DEFINED IN PART (2) OF THIS SECTION FOLLOWED BY THE INTENDED PURPOSE OF
14 SUCH WATER PRIORITIZED IN THE ORDER OF DOMESTIC, AGRICULTURAL, OR
15 MANUFACTURING PURPOSE.

16 (2) WATER FOR IRRIGATION PURPOSES, INCLUDING ADJUDICATED WATER WELLS AND
17 WATER DIVERSION RIGHTS, SHALL BE PRIORITIZED BY THE DATE SUCH WELL OR DIVERSION
18 RIGHT WAS PLACED INTO SERVICE, AS SHALL BE DEMONSTRATED BEYOND A REASONABLE
19 DOUBT, AND NOT NECESSARILY WHEN SUCH ADJUDICATION WAS MADE OR REQUIRED.
20 IRRIGATION WELLS FOR THE PURPOSE OF FOOD PRODUCTION, WHETHER A FARM OR RANCH,
21 SHALL NOT BE WASTEFUL BUT OTHERWISE SHALL BE UNREGULATED UNLESS THERE EXISTS
22 SUCH A DROUGHT OR WATER SHORTAGE THAT DOMESTIC IN-HOUSEHOLD WATER USE
23 SHALL BECOME NECESSARILY LIMITED. NO LAW, ORDINANCE, OR COVENANT, PAST OR
24 PRESENT, SHALL PROHIBIT THE USE OF DRY LAND OR WATER-CONSERVING GRASSES FOR
25 LAWNS AND GREENWAYS, PUBLIC OR PRIVATE.

26 (3) WATER RIGHTS PURCHASED FOR A NON AGRICULTURAL PURPOSE BEGINNING ON THE
27 DATE THE SECRETARY OF STATE CALLS THE ELECTION OF THIS SECTION SHALL BE
28 PRIORITIZED BY THE DATE SUCH WATER RIGHT WAS PURCHASED AND NOT WHEN SUCH
29 WATER RIGHT ORIGINATED.

30 (4) LEGISLATION MAY BE ENACTED TO FACILITATE THE OPERATION OF THIS SECTION,
31 BUT IN NO WAY SHALL SUCH LEGISLATION LIMIT OR RESTRICT THE PROVISIONS OF THIS
32 SECTION OR THE POWERS HEREIN GRANTED.

33 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

39 (b) "FARM OR RANCH" MEANS A FACILITY USED FOR CULTIVATION, FEEDING, OR
40 RAISING FOOD PRODUCTS, AND INCLUDES NEEDED BUILDINGS AND HOUSING LOCATED ON
41 A PARTICULAR COMMONLY OWNED AGRICULTURAL LAND PARCEL OR PARCELS.

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

43 (d) "IN-HOUSEHOLD WATER USE" MEANS THAT WHICH IS USED WITHIN A DWELLING
44 UNIT PRIMARILY FOR COOKING AND SANITARY PURPOSES BUT INCLUDES AMOUNTS
45 NECESSARY TO WATER ANIMALS ON A RESIDENTIAL PROPERTY. IN-HOUSEHOLD WATER USE
46 DOES NOT INCLUDE OUTSIDE USES SUCH AS YARD WATERING.

47 (e) "PRIVATELY OWNED RESIDENTIAL HOUSING" MEANS A SUMMATION OF DWELLING
48 UNITS THAT 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.

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