

Amendments to House Bill No. 308
1st Reading Copy

Requested by Representative Bruce Malcolm

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
January 31, 2005 (11:50am)

1. Title, line 11.
Following: "CHANGE"
Insert: "AND INCREASING THE PERIOD FOR SUBMISSION OF NEW EVIDENCE
OF ADVERSE EFFECTS TO OTHER WATER RIGHTS"
2. Title, line 12 through line 13.
Strike: "REMOVING" on line 12 through "PROJECT;" on line 13
3. Title, line 16 through line 17.
Strike: "REMOVING" on line 16 through "RIGHT;" on line 17
4. Title, line 21.
Following: "AMOUNT"
Insert: ", EXCEPT THAT ONLY THE AMOUNT HISTORICALLY CONSUMED, OR
A SMALLER AMOUNT IF SPECIFIED IN THE LEASE AUTHORIZATION,
MAY BE USED TO MAINTAIN OR ENHANCE STREAMFLOWS BELOW THE
LESSOR'S POINT OF DIVERSION"
5. Page 28, line 19.
Strike: "Except as provided in subsection (9), an"
Insert: "An"
6. Page 28, line 20.
Strike: "for each additional period"
7. Page 28, line 24.
Strike: "30"
Insert: "90"
8. Page 29, line 20.
Strike: "pursuant to 85-2-408"
Following: "period"
Strike: "equal to the expected life of the project"
9. Page 29, line 21 through line 22.
Following: "years" on line 21
Insert: "not to exceed 30 years unless a renewal is obtained
pursuant to subsection (3)"
Strike: "A" on line 21 through "expected." on line 22

10. Page 31, line 15.

Insert: "(2) (a) A temporary change authorization under the provisions of this section is allowable only if the owner of the water right voluntarily agrees to:

(i) change the purpose of a consumptive use water right to instream flow for the benefit of the fishery resource; or

(ii) lease a consumptive use water right to another person for instream flow to benefit the fishery resource.

(b) For the purpose of this subsection (2), "person" means and is limited to an individual, association, partnership, or corporation."

Renumber: subsequent subsections

11. Page 32, line 3.

Following: "consumed"

Insert: ", or a smaller amount if specified by the department in the lease authorization,"

- END -