

Edited 1/17

Amendments to House Bill No. 22  
1st Reading Copy

EXHIBIT 13  
DATE 1-26-05  
HB 22

Requested by Representative Walter McNutt  
For the House Natural Resources Committee

Prepared by Krista Lee Evans  
January 17, 2005 (11:06am)

1. Title, page 1, line 8.  
Following: "CONSERVATION;"  
Strike: "REQUIRING"  
Insert: "ALLOWING"  
Following: "REEXAMINATION"  
Insert: ", PRIOR TO THE ISSUANCE OF A FINAL DECREE,"  
Strike: "IRRIGATION"

2. Title, page 1, line 21.  
Following: "PROVIDING THE"  
Strike: "BASIS"  
Insert: "PROCESS"  
Following: "FOR"  
Strike: "REQUIRING"  
Following: "EXAMINATION OF"  
Strike: "IRRIGATION"

3. Title, page 1, line 22.  
Following: "BASINS"  
Insert: "PRIOR TO THE ISSUANCE OF A FINAL DECREE"

4. Page 1, line 27 through page 2, line 9.  
Strike: subsections (1) through (4) in their entirety  
Renumber: subsequent subsections

5. Page 2, line 13.  
Strike: "all irrigation"

6. Page 2, line 14.  
Following: "rules"  
Insert: "when the water court has received a petition and issued  
an order pursuant to [section 9] or the water court has  
issued an order on its own initiative"

7. Page 2, line 15.

**Strike:** "accurate"

**Insert:** "enforceable"

8. Page 2, line 17.

**Following:** "basins"

**Insert:** "for which the water court has received a petition and issued an order pursuant to [section 9] or the water court has issued an order on its own initiative"

9. Page 2, line 28.

**Strike:** "18,800 irrigation"

**Insert:** "98,000"

**Strike:** "must"

**Insert:** "may"

10. Page 2, line 29.

**Following:** "rules"

**Insert:** "if the water court receives a petition and issues an order as provided in [section 9] or the water court issues an order on its own initiative"

11. Page 3, line 11.

**Strike:** the second "Total Number of"

12. Page 3, line 12.

**Strike:** "Claims Reexamined"

13. Page 3, line 13.

**Strike:** "10,000"

**Insert:** "8,000"

**Strike:** "0"

14. Page 3, line 14.

**Strike:** "30,650"

**Insert:** "19,000"

**Strike:** "0"

15. Page 3, line 15.

**Strike:** "51,300"

**Insert:** "31,000"  
**Strike:** "0"

16. Page 3, line 16.  
**Strike:** "57,000"  
**Insert:** "44,000"  
**Strike:** "7,140"

17. Page 3, line 17.  
**Following:** "June 30, 2015"  
**Insert:** "57,000"  
**Strike:** "18,800"

18. Page 3, line 26.  
**Following:** "reservation."  
**Insert:** "This definition only applies to how the term is used for  
the purposes of assessing the fee and [sections 1 through  
10]."

19. Page 5, line 24.  
**Following:** "withdrawn"  
**Strike:** ", "  
**Insert:** "or"  
**Following:** "terminated"  
**Strike:** ", or otherwise abandoned"

20. Page 6, line 4.  
**Following:** "beneficial use"  
**Insert:** "after notifying each entity enumerated on the water  
right"

21. Page 7, line 6.  
**Following:** "Examination of"  
**Strike:** "irrigation"

22. Page 7, lines 6 through 12.  
**Following:** "(1)"  
**Strike:** "The" on line 6 through "basin." on line 12

**Insert:** "At any time prior to the issuance of a final decree, in  
basins that were evaluated using the verification process  
rather than the examination process, the owners of water  
rights in the basin, or a specified area in the basin, may

petition the water court to examine claims in the basin pursuant to the supreme court rules.

(2) The owners of at least 15% of the number of water rights affected by the proposed reexamination shall sign the petition.

(3) At a minimum, the petition must provide:

(a) the specific water right purpose or water right purposes to be examined; and

(b) the elements to be examined.

(4) (a) The water judge shall evaluate each petition and determine if reexamination is necessary to provide greater accuracy to the adjudication.

(b) The water judge may request public comment on the petition.

(5) If the water judge determines reexamination should be conducted, the water judge shall issue an order that provides:

(a) what water right purpose or water right purposes must be examined by the department;

(b) the elements to be examined;

(c) final disposition of the reexamination information developed by the department; and

(d) the timeframe in which the reexamination must be completed.

(6) The water court may issue an order requiring reexamination on its own initiative. The order must provide the information contained in subsection (5).

(7) Upon receipt of the reexamination information from the department, the water court shall notify the users in the basin, or the specified area in the basin identified in the petition, of the final results of the reexamination and shall notify them regarding further steps or actions being taken as a result of the reexamination.

(8) Any actions taken as a result of the reexamination must be conducted in accordance with this part."

23. Page 10, line 5.

**Strike:** "all irrigation"

**Following:** "examined"

**Insert:** "as ordered by the water court"

24. Page 10, line 14.

**Following:** "examined"

**Insert:** "for which the water court has received a petition and has determined that examination is necessary as provided in [section 9] or the water court has issued an order for reexamination on its own initiative"

25. Page 11, line 26.  
**Strike:** "only"

26. Page 11, line 27.

**Strike:** "irrigation"

**Insert:** "types of"

**Following:** "basin"

**Insert:** "that were identified in the petition as provided in  
[section 9] or the types of claims identified in an order  
that the water court issued on its own initiative"

- END -

