

DRAFT
5.3.13

CLHB1130.004

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB13-1130

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB13-1130,
concerning extended operation of interruptible water supply agreements,
has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill,
as the amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 2, strike line 3 and substitute "(2), (3) (a), and
(3) (c); and **add** (6) and (7) as follows:".

Strike pages 3 and 4 and substitute:

"(a) ~~The~~ AN applicant for approval of an interruptible water
supply agreement ~~shall~~ **MUST** provide written notice of the application by
first-class mail or electronic mail to all parties who have subscribed to the
substitute water supply plan notification list, as described in section
37-92-308 (6), for the division or divisions in which the water right is
located and in which it will be used, and proof of ~~such~~ **THE** notice ~~shall~~
MUST be filed with the state engineer. The application ~~shall~~ **MUST** be
accompanied by a detailed written report, prepared by a professional
engineer or other professional acceptable to the state engineer, that
evaluates the historical consumptive use, return flows, and the potential
for material injury to other water rights relating to the interruptible water



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supply agreement and that proposes conditions to prevent such injury. The state engineer shall give the owners of water rights ~~thirty-five~~ SEVENTY-FIVE days after the date of mailing of ~~such~~ THE notice to file comments on the operation of the interruptible water supply agreement. Such comments ~~shall~~ MAY include any claim of injury or any terms and conditions that should be imposed upon the agreement so that it will not cause injury to a party's water rights or decreed conditional water rights, if such conditional rights will be exercised during operation of the interruptible water supply agreement, and any other information the party wishes the state engineer to consider in reviewing the application."

Page 5, strike lines 1 through 9.

Page 5, strike lines 22 through 27.

Strike page 6.

Page 7, strike lines 1 through 15.

Page 7, line 16, strike "(II)" and substitute "(6) (a) (I)".

Renumber succeeding subparagraph accordingly.

Page 7, after line 23 insert:

"(c) AN APPLICANT FOR SUBSEQUENT APPROVAL OF AN INTERRUPTIBLE WATER SUPPLY AGREEMENT MUST:

(I) SUBMIT TO THE WATER CLERK IN EACH WATER DIVISION IN WHICH A LOANED WATER RIGHT IS LOCATED A RESUME OF THE APPLICATION FOR APPROVAL OF AN INTERRUPTIBLE WATER SUPPLY AGREEMENT SUBMITTED TO THE STATE ENGINEER, AND THE WATER CLERK SHALL PUBLISH THE RESUMES IN THE MANNER SET FORTH IN SECTION 37-92-302 (3) (a) AND (3) (b), NOTWITHSTANDING THE FACT THAT THE APPLICATIONS WERE FILED WITH THE STATE ENGINEER;

(II) FILE PROOF OF THE SUBMISSION OF THE RESUME TO THE WATER CLERK WITH THE STATE ENGINEER NOT LATER THAN TEN DAYS AFTER THE SUBMISSION; AND

(III) FILE PROOF OF THE NOTICE TO ALL PARTIES WHO HAVE



SUBSCRIBED TO THE SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST, AS DESCRIBED IN SECTION 37-92-308 (6), WITH THE STATE ENGINEER WITHIN TEN DAYS AFTER PROVIDING THE NOTICE.

(d) OWNERS OF WATER RIGHTS HAVE UNTIL THE LAST DAY OF THE FOURTH MONTH FOLLOWING THE MONTH IN WHICH THE RESUME WAS SUBMITTED TO THE WATER CLERK TO FILE COMMENTS ON THE OPERATION OF THE INTERRUPTIBLE WATER SUPPLY AGREEMENT."

Reletter succeeding paragraphs accordingly.

Page 8, line 1, strike "OTHERWISE; AND" and substitute "OTHERWISE."

Page 8, after line 22 insert:

"(g) THE STATE ENGINEER'S APPROVAL OR DISAPPROVAL OF A SUBSEQUENT APPLICATION FOR AN INTERRUPTIBLE WATER SUPPLY AGREEMENT UNDER THIS SUBSECTION (6) CONSTITUTES FINAL AGENCY ACTION SUBJECT TO APPEAL IN THE WATER COURT IN THE WATER DIVISION IN WHICH THE LOANED WATER RIGHTS ARE LOCATED.

(h) THE WATER JUDGE SHALL EXPEDITE AN APPEAL OF THE STATE ENGINEER'S DECISION ONLY UPON THE REQUEST OF ANY PARTY TO THE APPEAL.

(i) FOR PURPOSES OF DETERMINING FILING FEES, THE APPLICANT OR COMMENTER THAT INITIATES THE APPEAL SHALL PAY FEES ESTABLISHED FOR WATER COURT CHANGE APPLICANTS, AND ALL OTHERS SHALL PAY FEES ESTABLISHED FOR PERSONS FILING STATEMENTS OF OPPOSITION.

(7) THE WATER RESOURCES REVIEW COMMITTEE MAY REVIEW THE POSSIBILITY OF IMPOSING GEOGRAPHIC LIMITATIONS ON THE



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IMPLEMENTATION OF SUBSEQUENT INTERRUPTIBLE WATER SUPPLY
AGREEMENTS DURING THE 2013 INTERIM."



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