SENATE NATURAL RESOURCES
EXHIBIT NO. 1
DATE 4-16-07
BILL NO. HB 831

Amendments to House Bill No. 831
3rd Reading Copy

Requested by Representative Walter McNutt

For the Senate Natural Resources and Energy Committee

Prepared by Krista Lee Evans
April 23, 2007 (2:03pm)

1. Page 3, line 7 through line 8.
Following: "drain away for"
Strike: "maintenance " on line 7 through "streamflow" on line 8
Insert: "a beneficial use"

2. Page 6, line 2 through line 3.
Following: "drain away for"
Strike: "maintenance" on line 2 through "streamflow" on line 3
Insert: "a beneficial use"

3. Page 11, line 23.
Strike: "MODELING INFORMATION,"

4. Page 32, line 17.
Strike: "(I)"

5. Page 32, line 19 through line 20.
Strike: "SUBSTANTIAL" on line 19 through "prior appropriator" on line 20
Insert: "a correct and complete application"

6. Page 32, line 23 through line 25.
Strike: subsection (II) in its entirety

7. Page 32, line 30.
Following: "(3)(a)"
Strike: "(II)"

8. Page 33, line 2 through line 3.
Following: "16]" on line 2
Strike: "and"
Strike: "PROVES BY" on line 2 through "will be offset" on line 3

9. Page 34, line 11.
Following: "survey"
Insert: ", and used by the water court, unless the applicant

chooses to expand the boundaries"

10. Page 34, line 28.
Strike: "or change in appropriation right"

11. Page 34, line 30 through page 35, line 1.
Strike: subsection (ii) in its entirety
Renumber: subsequent subsections

12. Page 35, line 28 through line 29.
Strike: "that will result" on line 28 through "may" on line 29
Insert: "shall"

13. Page 36, line 10.
Following: "evidence"
Strike: "that"
Insert: "of how"
Strike: "be effective in offsetting"
Insert: "offset"

14. Page 36, line 25.
Following: "evidence"
Strike: "that"
Insert: "of how"
Strike: "be effective in offsetting"
Insert: "offset"

15. Page 36, line 28.
Strike: "predicted"

16. Page 37, line 12 through line 30.
Strike: subsection (3) in its entirety
Insert: "(3) (a) Once an application has been determined to be correct and complete, the department shall prepare a notice and publish it as provided under 85-2-307.

(b) If no valid objection is filed to the application and the applicant proves that the criteria of 85-2-311 or 85-2-402, if necessary, have been satisfied, the application must be granted or approved in a modified form or upon terms, conditions, or limitations specified by the department.

(c) If no valid objection is filed to the application and the applicant has not proved that the criteria of 85-2-311 or 85-2-402, if necessary, have been satisfied, the application must be denied.

(d) If a valid objection is filed to the application, the department shall proceed to process the application pursuant to 85-2-308 through 85-2-311. If the applicant satisfies the criteria of 85-2-311 and 85-2-402, if necessary, and proves by a preponderance of the evidence that net depletion, if any, will

not adversely affect a prior appropriator based on the applicant's mitigation plan or aquifer recharge plan, the department shall issue the permit."

17. Page 38, line 13.
Strike: "mitigation plan or"

18. Page 38, line 14.
Strike: "or mitigation"

19. Page 38, line 17.
Strike: "a mitigation plan or"
Insert: "an"

20. Page 43, line 9.
Following: "appropriated"
Insert: "from the general fund"

21. Page 43, line 10.
Following: "geology"
Insert: "only"

22. Page 44, line 5.
Strike: "or change in appropriation right"

- END -