

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 23, 2005

Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB05-062 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, line 22, strike "IN EXCESS OF THREE
2 HUNDRED" and substitute "SHALL NOT BE DETERMINED TO BE PUT TO
3 BENEFICIAL USE IF IT EXCEEDS EITHER THE UNAPPROPRIATED PORTION OF
4 THE HISTORIC AVERAGE DAILY FLOW OR THREE HUNDRED FIFTY CUBIC
5 FEET PER SECOND, WHICHEVER IS LESS;"

6 strike line 23;

7 line 24, strike "WASTED, AND NOT PLACED TO BENEFICIAL USE;"

8 Page 3, line 3, after the period, add "NOTHING IN THIS SUBSECTION (4)
9 ENABLES AN APPLICANT TO CLAIM MORE THAN THE MINIMUM STREAM
10 FLOW THAT IS NECESSARY FOR A RECREATIONAL IN-CHANNEL USE
11 CONSIDERING THE HYDROLOGIC AND HYDRAULIC CONDITIONS OF THE
12 STREAM AND USING REASONABLY EFFICIENT CONTROL STRUCTURES.";

13 strike lines 5 and 6 and substitute the following:

14 "NATURAL FEATURES OR MAN-MADE FEATURES PERMANENTLY PLACED BY
15 AN APPLICANT OR HIS OR HER AGENT IN ORDER TO DIVERT, CAPTURE, AND
16 CONTROL WATER IN ITS COURSE OR LOCATION IN A RECREATIONAL
17 IN-CHANNEL DIVERSION.";

18 line 7, strike "LOCATION FOR RECREATIONAL IN-CHANNEL DIVERSION.";

1 line 14, after "(7)", insert "(a)";

2 strike lines 17 through 22 and substitute the following:

3 "well, pump, or other structure or device.

4 (b) ~~except that~~ ON OR AFTER JANUARY 1, 2001, only a county,
5 municipality, city and county, water district, water and sanitation district,
6 water conservation district, or water conservancy district may control
7 water in its natural course or location for recreational in-channel
8 diversions; EXCEPT THAT this PARAGRAPH (b) does not apply to
9 applications filed prior to January 1, 2001.

10 (c) ON OR AFTER FEBRUARY 17, 2005, A COUNTY, MUNICIPALITY,
11 CITY AND COUNTY, WATER DISTRICT, WATER AND SANITATION DISTRICT,
12 WATER CONSERVATION DISTRICT, OR WATER CONSERVANCY DISTRICT
13 SHALL USE CONTROL STRUCTURES TO CONTROL WATER IN ITS NATURAL
14 COURSE OR LOCATION FOR RECREATIONAL IN-CHANNEL DIVERSIONS;
15 EXCEPT THAT THIS PARAGRAPH (c) DOES NOT APPLY TO APPLICATIONS
16 FILED PRIOR TO FEBRUARY 17, 2005, OR TO DILIGENCE APPLICATIONS OR
17 APPLICATIONS TO MAKE ABSOLUTE CONDITIONAL WATER RIGHTS FOR A
18 RECREATIONAL IN-CHANNEL DIVERSION WHOSE ORIGINAL APPLICATION
19 WAS FILED PRIOR TO FEBRUARY 17, 2005."

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