

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

February 20, 2008

Date

Committee on Agriculture, Livestock, & Natural Resources.

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

HB08-1280 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, line 21, after "PROCEEDING.", insert "THE  
2 BOARD SHALL ADOPT CRITERIA FOR EVALUATING PROPOSED CONTRACTS  
3 OR AGREEMENTS FOR LEASES OR LOANS OF WATER, WATER RIGHTS, OR  
4 INTERESTS IN WATER UNDER THIS SUBSECTION (3), INCLUDING, BUT NOT  
5 LIMITED TO, CRITERIA ADDRESSING SPECULATION AND PUBLIC NOTICE.";

6 line 26, after "PURPOSES.", insert "AS A CONDITION OF APPROVAL OF A  
7 PROPOSED CONTRACT OR AGREEMENT FOR A LEASE OR LOAN OF WATER,  
8 WATER RIGHTS, OR INTERESTS IN WATER PURSUANT TO THIS SUBSECTION  
9 (3), THE BOARD SHALL OBTAIN CONFIRMATION FROM THE STATE AND  
10 DIVISION ENGINEERS THAT THE PROPOSAL IS ADMINISTERABLE AND IS  
11 CAPABLE OF MEETING ALL APPLICABLE STATUTORY REQUIREMENTS.".

12 Page 4, line 10, after "RECORDINGS.", insert "THE BOARD SHALL FILE A  
13 CHANGE OF WATER RIGHT APPLICATION OR OTHER APPLICATION WITH THE  
14 WATER COURT TO OBTAIN A DECREED RIGHT TO USE WATER FOR INSTREAM  
15 FLOW PURPOSES UNDER A CONTRACT OR AGREEMENT FOR A LEASE OR  
16 LOAN OF WATER, WATER RIGHTS, OR INTERESTS IN WATER PURSUANT TO  
17 THIS SUBSECTION (3).".

18 Page 7, strike lines 15 through 20 and substitute the following:

19 **"SECTION 4. Effective date - applicability.** (1) This act shall  
20 take effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly that is  
2 allowed for submitting a referendum petition pursuant to article V,  
3 section 1 (3) of the state constitution, (August 6, 2008, if adjournment  
4 sine die is on May 7, 2008); except that, if a referendum petition is filed  
5 against this act or an item, section, or part of this act within such period,  
6 then the act, item, section, or part, if approved by the people, shall take  
7 effect on the date of the official declaration of the vote thereon by  
8 proclamation of the governor.

9 (2) The provisions of this act shall apply to water court  
10 determinations of historic consumptive use and abandonment occurring  
11 on or after the applicable effective date of this act."

\*\* \*\*\* \*\* \*\*\* \*\*