

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 9, 2006
Date

Committee on Agriculture, Natural Resources & Energy.

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

SB06-037 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 25, strike "A" and substitute "AN
- 2 APPROPRIATOR'S INTENDED AND";

- 3 line 26, after "STRUCTURE", insert "AND ITS EFFICIENCY" and, strike
- 4 "DESIGNED BY" and substitute "APPROVED PURSUANT TO SECTION
- 5 12-25-102, C.R.S., BY, OR UNDER THE DIRECT SUPERVISION OF,".

- 6 Page 4, line 1, after "THE", insert "INTENDED AND";

- 7 line 19, strike "~~minimum~~" and substitute "minimum".

- 8 Page 5, line 2, after the period, insert "EACH CONTROL STRUCTURE FOR A
- 9 RECREATIONAL IN-CHANNEL DIVERSION SHALL BE LIMITED TO NO MORE
- 10 THAN THREE SPECIFIED FLOW RATES IN ANY TIME PERIOD.";

- 11 line 7, strike "ONE-HALF" and substitute "ONE-TENTH";

- 12 strike line 9 and substitute the following:

- 13 "DIVERSION AS MEASURED AT THE RECREATIONAL IN-CHANNEL DIVERSION
- 14 AND THE CUMULATIVE EFFECTS ON THE RECREATIONAL IN-CHANNEL
- 15 DIVERSION CAUSED BY SUCH APPROPRIATIONS OR CHANGES DO NOT
- 16 EXCEED TWO PERCENT OF THE LOWEST DECREED RATE OF FLOW FOR THE
- 17 RECREATIONAL IN-CHANNEL DIVERSION MEASURED AT THE RECREATIONAL
- 18 IN-CHANNEL DIVERSION. THE OWNER OF A WATER RIGHT FOR A

1 RECREATIONAL IN-CHANNEL DIVERSION MAY NOT CALL FOR WATER THAT
2 HAS BEEN LAWFULLY STORED BY ANOTHER APPROPRIATOR.";

3 line 27, strike "AND REQUIRED".

4 Page 6, line 21, strike "IS PRESENT." and substitute "WOULD BE PRODUCED
5 BY THE CALL.";

6 strike lines 23 through 27 and substitute the following:

7 "RECREATIONAL IN-CHANNEL DIVERSION, DURING WHICH TIME IT MAY
8 CONSIDER ABANDONMENT OF THE DECREE IN WHOLE OR IN PART AND THE
9 FACTORS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (13) UPON
10 MOTION OF ANY PARTY TO THE ORIGINAL PROCEEDING.".

11 Page 7, strike line 1 and substitute the following:

12 "(e) THE DECREE SHALL REQUIRE THE OWNER OF A DECREED
13 RECREATIONAL IN-CHANNEL DIVERSION TO REPORT MONTHLY USAGE OF
14 THE RECREATIONAL IN-CHANNEL DIVERSION TO THE STATE ENGINEER,
15 INCLUDING, AS A MINIMUM, THE PEAK FLOW USED, NUMBER OF KAYAKERS
16 WHO USED THE RECREATIONAL IN-CHANNEL DIVERSION, AND DATES WHEN
17 THE RECREATIONAL IN-CHANNEL DIVERSION WAS USED.".

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