

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 5, 2006
Date

Committee on Agriculture, Livestock, & Natural Resources.

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 reengrossed bill, page 3, line 27, strike "APPROVED PURSUANT TO"
- 2 and substitute "DESIGNED BY A PROFESSIONAL ENGINEER, AS THAT TERM
- 3 IS DEFINED IN".

- 4 Page 4, line 1, strike "BY," and strike "OF," and substitute "OF";

- 5 line 18, after "TO,", insert "NONMOTORIZED".

- 6 Page 5, strike lines 2 through 6 and substitute the following:

- 7 "LABOR DAY OF EACH YEAR. THE RECREATIONAL IN-CHANNEL DIVERSION
- 8 SHALL BE LIMITED TO ONE SPECIFIED FLOW RATE CLAIMED FOR EACH TIME
- 9 PERIOD UNLESS THE APPLICANT CAN DEMONSTRATE A NEED FOR UP TO
- 10 TWO ADDITIONAL FLOW RATES FOR EACH TIME PERIOD.";

- 11 line 7, strike "PERIOD."

- 12 Page 7, strike lines 3 through 12 and substitute the following:

- 13 "THE APPLICATION. IF THE DECREED VOLUME OF WATER FOR THE
- 14 RECREATIONAL IN-CHANNEL DIVERSION EXCEEDS THIRTY-FIVE PERCENT
- 15 OF THE TOTAL AVERAGE HISTORICAL VOLUME OF WATER FOR THE STREAM
- 16 SEGMENT WHERE THE RECREATIONAL IN-CHANNEL DIVERSION IS LOCATED
- 17 DURING ALL DAYS FOR WHICH THE RECREATIONAL IN-CHANNEL DIVERSION
- 18 IS CLAIMED, THE DECREE SHALL SPECIFY THAT THE STATE ENGINEER SHALL

1 NOT ADMINISTER A CALL FOR THE RECREATIONAL IN-CHANNEL DIVERSION
2 UNLESS THE CALL WOULD RESULT IN AT LEAST EIGHTY-FIVE PERCENT OF
3 THE DECREED RATE OF FLOW FOR ANY APPLICABLE TIME PERIOD. IF THE
4 TOTAL VOLUME REPRESENTED BY THE DECREED FLOW RATE FOR A
5 RECREATIONAL IN-CHANNEL DIVERSION EXCEEDS SUCH THIRTY-FIVE
6 PERCENT LIMIT, THE RECREATIONAL IN-CHANNEL DIVERSION SHALL
7 FURTHER BE LIMITED TO ONE SPECIFIED FLOW RATE FOR THE ENTIRE TIME
8 PERIOD OF THE RECREATIONAL IN-CHANNEL DIVERSION UNLESS THE
9 APPLICANT CAN DEMONSTRATE A NEED FOR UP TO TWO ADDITIONAL FLOW
10 RATES OR SHORTER TIME PERIODS.";

11 line 16, strike "act." and substitute "act and shall not apply to applications
12 for reasonable diligence or to make absolute recreational in-channel
13 diversions that were decreed or applied for prior to the effective date of
14 this act."

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