

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 20, 2016  
Date

Committee on Agriculture, Natural Resources, & Energy.

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

HB16-1228 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend reengrossed bill, page 2, line 7, after "PROGRAM" insert "IN
- 2 WATER DIVISION 1 OR 2".
  
- 3 Page 4, after line 7 insert:
  
- 4 "(III) CRITERIA TO ENSURE THAT SUBSTITUTE WATER SUPPLY
- 5 PLANS APPROVED PURSUANT TO 37-92-308 (12) DO NOT FACILITATE THE
- 6 DIVERSION OF WATER BETWEEN WATER DIVISIONS BY DIRECT DIVERSION,
- 7 EXCHANGE, REPLACEMENT, OR OTHER MEANS;".
  
- 8 Renumber succeeding subparagraphs accordingly.
  
- 9 Page 5, line 24, strike "OR DECREED INSTREAM FLOW".
  
- 10 Page 5, line 27, strike "OR DECREED INSTREAM FLOW".
  
- 11 Page 6, line 15, after "RIGHT" insert "IN WATER DIVISION 1 OR 2".
  
- 12 Page 6, line 17, after "RIGHT." insert "A WATER RIGHT DECREED IN WATER
- 13 DIVISION 3, 4, 5, 6, OR 7 IS NOT ELIGIBLE FOR A CHANGE IN WATER RIGHT
- 14 TO AN AGRICULTURAL WATER PROTECTION WATER RIGHT."

- 1 Page 7, line 4, strike "OR INSTREAM FLOW".
- 2 Page 8, line 26, after "ENTITY" insert "IN WATER DIVISION 1 OR 2".
- 3 Page 9, line 13, after "(19)," insert "WHICH WATER RIGHT IS AVAILABLE  
4 ONLY IN WATER DIVISION 1 OR 2,".
- 5 Page 11, strike lines 10 and 11 and substitute "SUBJECT TO AN EXISTING  
6 WATER COURT DECREE.".
- 7 Page 12, strike lines 23 through 25 and substitute:

8           **"SECTION 5. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly (August  
11 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
12 referendum petition is filed pursuant to section 1 (3) of article V of the  
13 state constitution against this act or an item, section, or part of this act  
14 within such period, then the act, item, section, or part will not take effect  
15 unless approved by the people at the general election to be held in  
16 November 2016 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.".

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